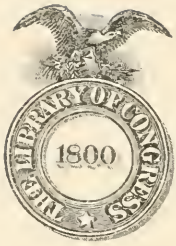
F 83
.4
.U7




Class F82
Book .H4
1

28th Congress, 1st Session. | Doc. No. 225. | Ho. of Reps. Executive.

UNITED STATES TROOPS IN RHODE ISLAND, &c.

# MESSAGE

FROM

# THE PRESIDENT OF THE UNITED STATES,

IN

*Answer to a resolution of the House of Representatives relative to the employment of United States troops in Rhode Island, and transmitting documents in relation to the recent difficulties in that State.*

April 10, 1844.

Read, and laid upon the table.

*To the House of Representatives:*

In compliance with a resolution of the House of Representatives, of the 23d of March last, requesting the President to lay before the House "the "authority and the true copies of all requests and applications upon which "he deemed it his duty to interfere with the naval and military forces of the "United States, on the occasion of the recent attempt of the people of Rhode "Island to establish a free constitution in the place of the old charter gov-"ernment of that State; also, copies of the instructions to, and statements "of, the charter commissioners sent to him by the then existing authorities "of the State of Rhode Island; also, copies of the correspondence between "the Executive of the United States and the charter government of the "State of Rhode Island, and all the papers and documents connected with "the same; also, copies of the correspondence, if any, between the heads of "departments and said charter government, or any person or persons con-"nected with the said government, and of any accompanying papers and "documents; also, copies of all orders issued by the Executive of the "United States, or any of the departments, to military officers, for the "movement or employment of troops to or in Rhode Island; also, copies "of all orders to naval officers to prepare steam or other vessels of the "United States for service in the waters of Rhode Island; also, copies of "all orders to the officers of revenue-cutters for the same service; also, "copies of any instructions borne by the Secretary of War to Rhode "Island, on his visit in 1842, to review the troops of the charter govern-"ment; also, copies of any order or orders to any officer or officers of the "army or navy to report themselves to the charter government; and that "he be requested to lay before this House copies of any other papers or "documents in the possession of the Executive connected with this subject,

Blair & Rives, printers.

F 83 .4 .U7

"not above specifically enumerated,"—I have to inform the House that the Executive did not deem it his "duty to interfere with the naval and military forces of the United States," in the late disturbances in Rhode Island; that no orders were issued by the Executive, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island, other than those which accompany this message, and which contemplated the strengthening of the garrison at Fort Adams, which, considering the extent of the agitation in Rhode Island, was esteemed necessary and judicious; that no orders were issued to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; that no orders were issued "to the officers of the revenue-cutters for said service;" that no instructions were borne by "the Secretary of War to Rhode Island, on his visit in 1842 *to review the troops of the charter government;*" that no orders were given to any officer or officers of the army or navy to report themselves to the *charter* government. That "requests and applications" were made to the Executive to fulfil the guarantees of the constitution, which impose on the Federal Government the obligation to protect and defend each State of the Union against "domestic violence and foreign invasion;" but the Executive was at no time convinced that the *casus fœderis* had arisen which required the interposition of the military or naval power in the controversy which unhappily existed between the people of Rhode Island. I was in no manner prevented from so interfering by the inquiry whether Rhode Island existed as an independent State of the Union under a charter granted at an early period by the Crown of Great Britain or not. It was enough for the Executive to know that she was recognised as a sovereign State by Great Britain, by the treaty of 1783; that, at a later day, she had, in common with her sister States, poured out her blood and freely expended her treasure in the war of the Revolution; that she was a party to the articles of confederation; that, at an after period, she adopted the constitution of the United States as a free, independent, and republican State, and that in this character she has always possessed her full quota of representation in the Senate and House of Representatives; and that, up to a recent day, she has conducted all her domestic affairs, and fulfilled all her obligations as a member of the Union, in peace and war, under her *charter government*, as it is denominated by the resolution of the House of the 23d of March. I must be permitted to disclaim, entirely and unqualifiedly, the right on the part of the Executive to make any real or supposed defects existing in any State constitution, or form of government, the pretext for a failure to enforce the laws or the guarantees of the constitution of the United States in reference to any such State. I utterly repudiate the idea, in terms as emphatic as I can employ, that those laws are not to be enforced, or those guarantees complied with, because *the President* may believe that the right of suffrage, or any other great popular right, is either too restricted or too broadly enlarged. I also, with equal strength, resist the idea that it falls within the Executive competency to decide, in controversies of the nature of that which existed in Rhode Island, on which side is the majority of the people, or as to the extent of the rights of a mere numerical majority. For the Executive to assume such a power, would be to assume a power of the most dangerous character. Under such assumptions, the States of this Union would have no security for peace or tranquillity, but might be converted into the mere instruments of Executive will. Actuated by selfish purposes, he might become the great agitator, fomenting assaults upon the State constitutions, and de-

claring the majority of to day to be the minority of to morrow; and the minority, in its turn, the majority, before whose decrees the established order of things in the State should be subverted. Revolution, civil commotion, and bloodshed would be the inevitable consequences. The provision in the constitution, intended for the security of the States, would thus be turned into the instrument of their destruction; the President would become, in fact, the great CONSTITUTION-MAKER for the States, and all power would be vested in his hands.

When, therefore, the Governor of Rhode Island, by his letter of the 4th of April, 1842, made a requisition upon the Executive for aid to put down the late disturbances, I had no hesitation in recognising the obligations of the Executive to furnish such aid, upon the occurrence of the contingency provided for by the constitution and laws. My letter of the 11th of April, in reply to the Governor's letter of the 4th, is herewith communicated, together with all correspondence which passed at a subsequent day, and the letters and documents mentioned in the schedule hereunto annexed. From the correspondence between the Executive of the United States and that of Rhode Island, it will not escape observation, that, while I regarded it as my duty to announce the principles by which I should govern myself in the contingency of an armed interposition on the part of this Government being necessary to uphold the rights of the State of Rhode Island, and to preserve its domestic peace, yet that the strong hope was indulged, and expressed, that all the difficulties would disappear before an enlightened policy of conciliation and compromise. In that spirit, I addressed to Governor King the letter of the 9th of May, 1842, marked "private and confidential," and received his reply of the 12th of May of the same year. The desire of the Executive was, from the beginning, to bring the dispute to a termination, without the interposition of the military power of the United States; and it will continue to be a subject of self-congratulation that this leading object of policy was finally accomplished. The Executive resisted all entreaties, however urgent, to depart from this line of conduct. Information from private sources had led the Executive to conclude that little else was designed by Mr. Dorr and his adherents, than mere menace with a view to intimidation; nor was this opinion in any degree shaken until the 22d of June, 1842, when it was strongly represented from reliable sources, as will be seen by reference to the documents herewith communicated, that preparations were making by Mr. Dorr, with a large force in arms, to invade the State; which force had been recruited in the neighboring States, and had been already preceded by the collection of military stores, in considerable quantities, at one or two points. This was a state of things to which the Executive could not be indifferent. Mr. Dorr speedily, afterwards, took up his headquarters at Chepachet, and assumed the command of what was reported to be a large force, drawn chiefly from voluntary enlistments made in neighboring States. The Executive could with difficulty bring itself to realize the fact, that the citizens of other States should have forgotten their duty to themselves, and the constitution of the United States, and have entered into the highly reprehensible and indefensible course of interfering so far in the concerns of a sister State as to have entered into plans of invasion, conquest, and revolution. But the Executive felt it to be its duty to look minutely into the matter; and, therefore, the Secretary of War was despatched to Rhode Island, with instructions, a copy of which is herewith transmitted; and was authorized, should a requisition be made upon the

Executive by the Government of Rhode Island in pursuance of law, and the invaders should not abandon their purposes, to call upon the Governors of Massachusetts and Connecticut for a sufficient number of militia at once to arrest the invasion, and to interpose such of the regular troops as could be spared from Fort Adams for the defence of the city of Providence, in the event of its being attacked, as was strongly represented to be in contemplation. Happily, there was no necessity for either issuing the proclamation or the requisition, or for removing the troops from Fort Adams, where they had been properly stationed. Chepachet was evacuated, and Mr. Dorr's troops dispersed, without the necessity of the interposition of any military force by this Government; thus confirming me in my early impressions, that nothing more had been designed, from the first, by those associated with Mr. Dorr, than to excite fear and apprehension, and thereby to obtain concessions from the constituted authorities, which might be claimed as a triumph over the existing government.

With the dispersion of Mr. Dorr's troops ended all difficulties. A convention was shortly afterwards called, by due course of law, to amend the fundamental law; and a new constitution, based on more liberal principles than that abrogated, was proposed and adopted by the people. Thus the great American experiment of a change in government, under the influence of opinion, and not of force, has been again crowned with success; and the State and people of Rhode Island repose in safety under institutions of their own adoption, unterrified by any future prospect of necessary change, and secure against domestic violence and invasion from abroad. I congratulate the country upon so happy a termination of a condition of things which seemed, at one time, seriously to threaten the public peace. It may justly be regarded as worthy of the age and of the country in which we live.

JOHN TYLER.

WASHINGTON, D. C., *April* 9, 1844.

*Schedule of letters and papers in relation to the Rhode Island troubles.*

No. 1. The affidavit of Samuel Currey, made before Judge Pitman, of Providence, R. I., as to the proceedings and arming of the suffrage men.—Providence, R. I., February 5, 1842.

No. 2. A resolution, passed by the suffrage party at Cumberland, R. I., to be ready, at a moment's warning, to carry into effect the people's constitution.—March 1, 1842.

No. 3. From Samuel W. King, Governor of Rhode Island, to the President of the United States, (two letters of the same tenor,) dated Providence, R. I., April 4, 1842; calling upon the President for the aid of the force, &c. of the United States, as guaranued by the constitution of the United States; and appointing Messrs. Whipple, Francis, and Potter, a committee to confer on the revolutionary condition of Rhode Island.

No. 4. From the President of the United States to Governor King of Rhode Island, in reply to the Governor's requisition for constitutional protection, made in his two aforesaid letters.—April 11, 1842.

No. 5. From Henry Bowen, Secretary of State of Rhode Island, to the President of the United States, April 7, 1842, transmitting, by order of Governor King, the affidavits of Messrs. Stoddard, Hoppie, Currey, Frieze, Robinson, and Wilkinson, in relation to Rhode Island affairs.

No. 6. From John Whipple to the President of the United States, April 9, 1842, asking an audience for the committee appointed by Governor King to wait on the President; asserting that the freeholders differ in opinion, not with the President, but with the insurgents.

No. 7. The statement by the Rhode Island committee, of the political condition of the State of Rhode Island.—Washington, D. C., April 10, 1842.

No. 8. From Governor S. W. King, of Rhode Island, to the President of the United States, May 4, 1842, transmitting resolutions by the Assembly of Rhode Island as to the insurrectionary movement in that State, calling upon the President for his interference, and empowering the Governor to transmit the same.

No. 9. The President's reply to the Governor's letter, May 7, 1842: the President having been informed, since the receipt of the above, of the dissolution of the insurgent force, recommends still a conciliatory course by the State Government; and assures the Governor that, if the attempts to suppress any lawless violence by *civil posse* should prove ineffectual, he will comply with the constitutional guaranty.

No 10. From Thomas W. Dorr, insurgent Governor of Rhode Island, to the President of the United States, transmitting resolutions of the insurgent Assembly of Rhode Island, that the President of the United States and Congress be informed that the Government and Assembly were elected, and the latter is in session.

No. 11. From the President of the United States to the Governor of Rhode Island, (private and confidential,) May 9, 1842; giving his views as to the policy to be pursued by the Government of Rhode Island towards the insurgents.

No. 12. The Governor of Rhode Island in reply, May 12, 1842, stating that his views coincide with those of the President; and as to the probable action of the Assembly at its approaching session, in regard to calling a convention to form a new constitution on more liberal principles than the present one.

No. 13. From E. R. Potter to the President of the United States, May

15, 1842: states that the present is the best time for concession on the part of the Government of Rhode Island; that the only objection to calling a convention to form a constitution on a more liberal basis, is the idea of conceding under threats of the insurgents, and that *prudence* is required on *both sides* to end all difficulties peaceably.

No. 14. The President in reply to this, May 20, 1842, as to the propriety of a conciliatory course on the part of the Government of Rhode Island.

No. 15. From Thomas A Jenckes, private secretary to the Governor of Rhode Island, to the President of the United States, May 16, 1842, transmitting a paper containing Governor Dorr's proclamation to the people of Rhode Island.

No. 16. From the Governor of Rhode Island to the President of the United States, May 25, 1842, stating that Dorr, since his flight, is organizing troops in different States; and, in consequence, calls upon the President for military aid: transmits a letter from Governor Seward.

No. 17. The President in reply to the same, May 28, 1842; in effect, that he does not conceive the danger of Dorr's invasion of Rhode Island imminent; but, should it occur, he will afford the desired aid, in the manner prescribed by the laws.

No. 18. Copies of letters of Secretary of War to Colonel Jas. Bankhead and General Eustis, and of President's instructions; also of President's directions to Secretary of War to proceed to Rhode Island, and of proclamation.—May 28, 29,—June 29, 1842.

No. 19. From Daniel Webster to the President of the United States, New York, June 3, 1842, transmitting a report, by a confidential agent, under same date, in relation to the state of affairs in Rhode Island. (Report enclosed.)

No. 20. From Colonel Jas. Bankhead to the Secretary of War, Providence, R. I., June 22, 1842; reports the landing of several cases of muskets, and of several mounted cannon at Woonsocket; powder stolen; the landing of Dorr at Norwich, Ct.; and the expected invasion of Rhode Island by Dorr in great force, &c., &c.

No. 21. From E. J. Mallett to Postmaster General, confirming the rumor that 48 kegs of gunpowder had been stolen by the insurgents from a private powder house at Providence, R. I.—June 22, 1842.

No. 22. From Thomas M. Burgess to the President of the United States, transmitting a letter from the Governor of Rhode Island, giving a statement of the proceedings of the insurgents.—June 23, 1842.

No. 23. President's reply enclosed.—June 25, 1842.

No. 24. The affidavits of Messrs. Peckham, Harris, Shelley, and Keep, in relation to the insurgents of Rhode Island, (transmitted by the Hon. Mr. Sprague.)—June 23, 1842.

No. 25. From Adjutant E. D. Townsend to the Secretary of War, June 23, 1842, reporting, by order of Colonel Bankhead, that, in consequence of an interview with the Governor of Rhode Island, the Colonel had turned back on his route to New York.

No. 26. From Colonel Jas. Bankhead to the Secretary of War, June 23, 1842—reports that, in consequence of an interview with Governor King, who intercepted him on his route to Governor's island, he returned to Providence, and will proceed to Newport, R. I.

No. 27. From Colonel Jas. Bankhead to Adjutant General R. Jones, June 23, 1842—reports his having started for Fort Columbus, but, from a

a new aspect in the affairs of Rhode Island, and at the solicitation of Governor King, has returned.

No. 28. From Colonel Jas. Bankhead to Adjutant General Jones, June 27, 1842, in relation to Dorr's military force and position.

No. 29. From Messrs. Simmons, Sprague, and Tillinghast, to the President of the United States, Washington, D. C., June 27, 1842, on the state of affairs in Rhode Island.

N. B. Received the same evening.

No. 30. From the President of the United States to the Secretary of War, June 29, 1842, instructing him to publish a proclamation, and to perform other duties, in case of a requisition being made for the power and force of the United States.

No. 31. Extracts of letters from Hon. Mr. Potter to the President, and from the President in reply, October, 1842, as to the new constitution, and that it will please the people.

No. 32. From the Governor of Rhode Island to the President of the United States, June 23, 1842, stating the course pursued by the insurgents, and asking the interposition of the Executive to prevent domestic violence. (Enclosed in letter of Thomas M. Burgess, of June 23, 1842.)

No. 33. The President's reply to the above, June 25, 1842; informs the Governor that the law requires the application for aid to be made by the Legislature of the State.

No. 34. From William H. Smith and John S. Harris, secretaries of a meeting called the people's convention, transmitting to the Governor of Rhode Island a copy of the constitution adopted; report of committee upon the votes given in therefor; and resolutions of the convention declaratory of its adoption.—January 13, 1842.

No. 35. Depositions of Charles T. Martin, John F. Pond, and William S. Slater, relative to the movements of the insurgents.—June 24, 1842.

No. 36. Military orders, through Major General Scott, from April 11, 1842, to June 11, 1842, inclusive.

*Printed documents and newspapers.*

November 18, 1841.—Constitution of the State of Rhode Island, as finally adopted by the people's convention, assembled at Providence, November 18, 1841.

February 19, 1842.—Constitution of the State of Rhode Island, adopted by the convention assembled at Providence February 19, 1842.

March 15, 1842.—Opinion of the supreme court on the proceedings of the people *vs.* the Government of Rhode Island.

April 4, 1842.—Governor King's proclamation to the people of Rhode Island.

April 4, 1842.—Report of the committee of the Legislature on the action of the Assembly on the constitution.

Resolution giving the Governor authority to act.

Act of the Legislature.

Charters and legislative documents, illustrative of Rhode Island history.

No. 1.

I, Samuel Currey, of the city of Providence, in the State of Rhode Island, &c., attorney at law, on oath do testify and say. That I have just had a conversation with Franklin Cooley, of this city, concerning our political difficulties which threaten the peace of this State and the lives of its citizens, in which conversation the said Cooley informed me most distinctly that a messenger or individual had this day gone to Boston, Massachusetts, to procure two thousand stand of arms; that this supply of arms was for the use of those who were about to enforce the people's constitution against the authority, civil and military, of the existing state of government. The said Mr. Cooley is well known to me as a prominent character among those who have formed and who adhere to the so-called people's constitution; and there is no doubt in my mind but he spoke from good authority when he gave me the aforesaid information. Another gentleman of the same party with Mr. Cooley mentioned the same fact to me within five minutes after I received it from Mr. Cooley. I have no reason to doubt the correctness of the said statements, but rather to confide in the truth of them. Mr. Cooley, in the same conversation, stated it to me, as his undoubted belief, that the party which he had been acting with would immediately desist from all violent proceedings, if required so to do by proclamation of the President of the United States; and referring to the deputation about to set out from and on behalf of this State, to lay the present difficulties before the General Government, expressed a hope that the President would decide, for one party or the other, speedily, in order that we might all know our duty, and thus avoid bloodshed, which we believed would certainly occur unless the General Government should interpose its authority between the contending parties. I do not in this affidavit undertake to give the precise language used by Mr. Cooley in the aforementioned conversation, but only its main effect and substance. I felt it my duty immediately to communicate the same to one of the gentlemen composing the deputation to Washington, and, by request, have given this affidavit thereof.

SAMUEL CURREY.

UNITED STATES OF AMERICA, *Rhode Island district*, } *ss.*

In Providence, on this 5th day of February, A. D. 1842, personally appeared the above named Samuel Curry, a gentleman of veracity to me well known, and made oath to the truth of the statement by him above underscribed before me. I do certify that I heard the above named Franklin Cooley state also the fact that the above arms had been sent for as above stated, and I have every reason to believe it to be true.

JOHN PITMAN,
*District Judge of the United States for Rhode Island district.*

---

No. 2.

At a meeting on Cumberland hill, March 1, 1842—

*Resolved*, That we stand ready, at a moment's warning, with our lives and honor, to carry into full effect the people's constitution according to the conditions of the same, unless otherwise ordered by the General Government of the nation.

No. 3.

PROVIDENCE, *April* 4, 1842.

SIR: The State of Rhode Island is threatened with domestic violence. Apprehending that the Legislature cannot be convened in sufficient season to apply to the Government of the United States for effectual protection in this case, I hereby apply to you, as the Executive of the State of Rhode Island, for the protection which is required by the constitution of the United States. To communicate more fully with you on this subject, I have appointed John Whipple, John Brown Francis, and Elisha R. Potter, esquires, three of our most distinguished citizens, to proceed to Washington, and to make known to you, in behalf of this State, the circumstances which call for the interposition of the Government of the United States for our protection.

I am, sir, very respectfully, your obedient servant,

SAMUEL W. KING,
*Governor of Rhode Island.*

The PRESIDENT OF THE UNITED STATES.

---

PROVIDENCE, *April* 4, 1842.

SIR: For nearly a year last past, the State of Rhode Island has been agitated by revolutionary movements, and is now threatened with domestic violence.

The report of a joint committee of both branches of the Legislature of this State, with an act and resolutions accompanying the same, herewith communicated, were passed unanimously by the Senate, and by a vote of sixty to six in the House of Representatives. The Legislature adjourned to the first Tuesday of May next.

It has become my duty, by one of these resolutions, to adopt such measures as, in my opinion, may be necessary, in the recess of the Legislature, to execute the laws, and preserve the State from domestic violence. The provisions of the said act "in relation to offences against the sovereign power of this State," has created much excitement among that portion of the people who have unequivocally declared their intention to set up another government in this State, and to put down the existing government; and they threaten, individually and collectively, to resist the execution of this act. The numbers of this party are sufficiently formidable to threaten seriously our peace; and in some portions of the State, and in this city particularly, may constitute a majority of the physical force, though they are a minority of the people of the State.

Under the dangers which now threaten us, I have appointed John Whipple, John Brown Francis, and Elisha R. Potter, esquires, three of our most distinguished citizens, to proceed to Washington, and consult with you in behalf of this State, with a view that such precautionary measures may be taken by the Government of the United States as may afford us that protection which the constitution of the United States requires. There is but little doubt but that a proclamation from the President of the United States, and the presence here of a military officer to act under the authority of the United States, would destroy the delusion which is now so prevalent, and convince the deluded that, in a contest with the government of this

State, they would be involved in a contest with the Government of the United States, which could only eventuate in their destruction.

As no State can keep troops in time of peace, without the consent of Congress, there is the more necessity that we should be protected by those who have the means of protection. We shall do all we can for ourselves. The Government of the United States has the power to *prevent*, as well as to defend us from, violence. The protection provided by the constitution of the United States will not be effectual, unless such precautionary measures may be taken as are necessary to prevent lawless men from breaking out into violence, as well as to protect the State from further violence after it has broken out. Preventive measures are the most prudent and safe, and also the most merciful. The protective power would be lamentably deficient, if "the beginning of strife," which "is like the letting out of waters," cannot be prevented, and no protection can be afforded the State until, to many, it would be too late.

The above-named gentlemen are fully authorized to act in behalf of the State of Rhode Island in this emergency, and carry with them such documents and proof as will, no doubt, satisfy you that the interposition of the authority of the Government of the United States will be salutary and effectual.

I am, sir, very respectfully, your obedient servant,

SAMUEL W. KING,
*Governor of Rhode Island.*

The PRESIDENT OF THE UNITED STATES.

---

No. 4.

WASHINGTON, *April* 11, 1842.

SIR: Your letter, dated the 4th instant, was handed me on Friday by Mr. Whipple, who, in company with Mr. Francis and Mr. Potter, called upon me on Saturday, and placed me, both verbally and in writing, in possession of the prominent facts which have led to the present unhappy condition of things in Rhode Island—a state of things which every lover of peace and good order must deplore. I shall not adventure the expression of an opinion upon those questions of domestic policy which seem to have given rise to the unfortunate controversies between a portion of the citizens and the existing government of the State They are questions of municipal regulation, the adjustment of which belongs exclusively to the people of Rhode Island, and with which this Government can have nothing to do. For the regulation of my conduct in any interposition which I may be called upon to make between the government of a State and any portion of its citizens who may assail it with domestic violence, or may be in actual insurrection against it, I can only look to the constitution and laws of the United States, which plainly declare the obligations of the executive department, and leave it no alternative as to the course it shall pursue.

By the fourth section of the fourth article of the constitution of the United States, it is provided that "the United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened,) *against do-*

*mestic violence.*" And by the act of Congress, approved on the 28th of February, 1795, it is declared "that, in case of an insurrection in any State *against the government thereof*, it shall be lawful for the President of the United States, upon application of the Legislature of such State, or by the Executive (when the Legislature cannot be convened,) to call forth such numbers of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection." By the 3d section of the same act, it is provided "that whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a reasonable time." By the act of March 3, 1807, it is provided "that, in all cases of insurrection, or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect."

This is the first occasion, so far as the government of a State and its people are concerned, on which it has become necessary to consider of the propriety of exercising those high and most important of constitutional and legal functions.

By a careful consideration of the above-recited acts of Congress, your excellency will not fail to see that no power is vested in the Executive of the United States to anticipate insurrectionary movements against the Government of Rhode Island, so as to sanction the interposition of the military authority; but that there must be an actual insurrection, manifested by lawless assemblages of the people or otherwise, to whom a proclamation may be addressed, and who may be required to betake themselves to their respective abodes. I have, however, to assure your excellency, that, should the time arrive (and my fervent prayer is that it may never come) when an insurrection shall exist *against the Government of Rhode Island*, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guarantied to each State by the constitution and laws, I shall not be found to shrink from the performance of a duty, which, while it would be the most painful, is, at the same time, the most imperative. I have also to say, that, in such a contingency, the Executive could not look into real or supposed defects of the existing government, in order to ascertain whether some other plan of government proposed for adoption was better suited to the wants, and more in accordance with the wishes, of any portion of her citizens. To throw the executive power of this Government into any such controversy, would be to make the President the armed arbitrator between the people of the different States and their constituted authorities, and might lead to a usurped power, dangerous alike to the stability of the State Governments and the liberties of the people. It will be my duty, on the contrary, to respect the requisitions of that government which has been recognised as the existing government of the State through all time past, until I shall be advised, in regular manner, that it has been altered and abolished, and another substituted in its place, by legal and peaceable proceedings, adopted and pursued by the authorities and people of the State. Nor can I readily bring myself to believe that any such contin-

gency will arise as shall render the interference of this Government at all necessary. The people of the State of Rhode Island have been too long distinguished for their love of order and of regular government, to rush into revolution in order to obtain a redress of grievances, real or supposed, which a a government under which their fathers lived in peace would not in due season redress. No portion of her people will be willing to drench her fair fields with the blood of their own brethren, in order to obtain a redress of grievances, which their constituted authorities cannot for any length of time resist, if properly appealed to by the popular voice. None of them will be willing to set an example, in the bosom of this Union, of such frightful disorder, such needless convulsions of society, such danger to life, liberty, and property, and likely to bring so much discredit on the character of popular governments. My reliance on the virtue, intelligence, and patriotism of her citizens, is great and abiding; and I will not doubt but that a spirit of conciliation will prevail over rash counsels; that all actual grievances will be promptly redressed by the existing government; and that another bright example will be added to the many already prevailing among the North American republics, of change without revolution, and a redress of grievances without force or violence.

I tender to your excellency assurances of my high respect and consideration.

JOHN TYLER.

To his Excellency the GOVERNOR *of Rhode Island.*

---

No. 5.

SECRETARY'S OFFICE, *Rhode Island, April* 7, 1842.

SIR: At the request of the Governor, I have the honor to enclose to you the within documents.

With great respect, your obedient servant,

HENRY BOWEN.

The PRESIDENT OF THE UNITED STATES.

---

I, Martin Stoddard, of the city and county of Providence, State of Rhode Island, &c., on oath declare: That I was *president of* [present at] a mass convention holden at Newport, in this State, on the 5th day of May last, the object of which convention, as I understood and believed at the time, was to concert measures to procure an extension of the elective franchise in this State. At that convention, I should judge there were two thousand people present. Whether they were all citizens of this State or not, I am not able to say; or whether they were all favorable to the objects of the meeting, I cannot state. At said convention sundry resolutions were passed, the tenor of which I have forgotten, but which were published shortly after in the "New Age," the reputed organ of the suffrage party; and a "State committee," so called, was elected at said convention, *viva voce*, to whom were delegated the powers of concerting measures to effect an extension of suffrage, and to adopt measures, if necessary, to obtain a written constitution for this State. Some time after the 5th day of July, 1841,

said committee sent out a call to the people of this State, requesting them to elect delegates to a State convention, to be holden at Providence early in the month of October, A. D. 1841, for the purpose of framing a constitution for this State. That call, according to the best of my recollection, requested *the male citizens* of this State, of 21 years of age and upwards, to assemble in open meetings in their different towns, and elect delegates to said convention. Said delegates were elected by votes, upon the back of which each voter wrote his name, according to the best of my information, and were elected upon a ratio of population suggested by said State committee. At these meetings no negative votes were given, and no one, that I know or heard of, not friendly to this informal proceeding, taking any part therein. About 7,200 votes were cast in the whole State for these delegates, as I was informed, and verily believe. The delegates thus elected assembled in Providence on the 4th or 5th day of October, A. D. 1841, sat in convention for about one week, and adjourned till some time in November, A. D. 1841. They then reassembled, and framed a constitution, and ordered the same to be voted for on the 27th, 28th, and 29th days of December, A. D. 1841, in open meetings; and provided that during the three successive days, all those persons qualified to vote for said constitution who had been prevented, *by sickness, or other causes*, from attending said open meetings, might bring in, or send in, their votes by other persons, and deposite the same with the individual who presided at the open meetings. *All male citizens* of the State, of 21 years and upwards, were authorized to vote upon the adoption of said constitution; and the persons presiding at said meeting were neither by the terms of the constitution voted for, nor by any law of the State, qualified to administer oaths or affirmations; and, of course, no mode was presented in the manner of voting to prevent fraudulent voting, nor legal responsibility incurred on the part of the persons presiding for receiving fraudulent votes. No person, with the exception of about eighty or one hundred individuals opposed to said constitution, took any part in voting upon said constitution—a large portion of the people of the State considering the movement illegal and revolutionary, especially as the constituted authorities of the State had, as early as January or February, A. D. 1841, called a convention of delegates, to be elected by the qualified electors of the State, to assemble in the month of November, A. D. 1841, for the purpose of framing a constitution, or part of a constitution, as to said convention might seem proper, for the government of the State. The votes thus received for the constitution thus informally elected, to be sent to an adjourned session of said convention, holden at Providence in January last, to be counted. At that adjourned session, said votes given as above were, as this affiant believes, counted; and, according to the best of this affiant's recollection, the published account stated there were 13,944 votes given in for said constitution, and some 80 or 100 votes against it; and it was then proclaimed by said convention to have been adopted, and that the same should go into effect at the time mentioned in said constitution.

The convention called by the General Assembly of the State, at its January session, A. D. 1841, to be holden in the month of November, A. D. 1841, met; and, after being in session two weeks, adjourned till some time in February last; when they again assembled, and, having finished the business assigned to them, presented to the people of the State for their adoption or rejection, a constitution, by the provisions of which

the right of suffrage was very liberally extended, and was to be voted for on the 21st, 22d, and 23d days of March last, in open town meetings organized according to law, and where all necessary oaths could be administered, to prevent illegal voting. Said constitution was rejected, and its most hostile opponents were found among those who, one year ago, were petitioners to the General Assembly of this State for an extension of the right of suffrage; a large, very large majority of those qualified to vote under the existing statute laws of this State, who voted upon that question, voted, as this affiant verily believes, for the adoption of said constitution.

Since the rejection of said constitution, and especially within the last two or three days, a spirit of determined opposition to the existing government of this State has manifested itself among many of our citizens. This feeling is seen and manifested among those who, during the last year, have exhibited so much anxiety for an extension of the right of suffrage. These persons contend that the constitution made and adopted in manner herein first mentioned—that said constitution is the supreme law of this State, and, as such, they will defend it at all and every hazard. And this affiant believes, from what he has seen and heard, that large masses of men in this State are arming themselves to resist, by arms, any effort that may be made on the part of the constituted authorities of this State to enforce such laws as are necessary to prevent a subversion of the existing government. This affiant states that a large portion of the last mentioned people truly believe that in this effort they will be sustained by the General Government, and that the government which they may set up under their pretended constitution will be recognised by the Government of these United States as the legal government of this State. This affiant therefore verily believes that, without some interference on the part of the Executive of these United States, the peace and quiet of this State CANNOT be preserved, and that all the horrors of civil war will, and must, be suffered by our people.

MARTIN STODDARD.

UNITED STATES OF AMERICA, *Rhode Island district*, } *ss.*

On this 6th day of April, A. D. 1842, personally appeared the above-named Martin Stoddard, well known to me, and, I believe, a gentleman of veracity, and made oath to the truth of the statement above, by him subscribed before me,

JOHN PITMAN,
*District Judge U. S., for Rhode Island district.*

—

I, Hamilton Hoppin, of Providence, in the State of Rhode Island, on oath do testify and say: That, in a conversation which I and two other persons had with David M. Hamilton of this city, on the 5th instant, (Tuesday,) the said David stated that, in case of an outbreak and violence in this State, the Boston Montgomery Guards were ready to assist those who support the people's constitution; that this had been arranged and agreed on; that one of the sergeants of the said guards was then in this city, and that about 125 or 150 of the muskets of the said guards were deposited in his house, and he offered to show them if we would step over with him. His

house is within 20 or 25 rods of my father's; and the said David is well known to me as a naturalized Irishman of property, and influence among his class of citizens. This is the substance and effect of the said conversation.

HAMILTON HOPPIN.

—

I, Samuel Currey, of Providence, in the State of Rhode Island, on oath do testify and say: That I was last evening informed by one Douglas Seamans, of this city, that he had good reasons to know that the party who threaten to carry the (so-called) people's constitution into effect, had provided themselves with from four to five thousand stand of arms; that they were ready at a moment's warning to take the field; that they were determined to resist force by force, and put down the existing government at all hazards. The said Seamans boards at the hotel with me, is an adherent of the party opposed to law and order, and it is my firm belief that he said the foregoing upon good and sufficient authority. I have other reasons for believing the same facts, and have no doubt, from these and other statements which have been made to me, that the peace of the State, the lives and property of our citizens, are in imminent danger. The said Seamans meant to convey the impression that the aforementioned arms were distributed among the people of this city, and that his party were of that strength here, independently of their forces in other parts of the State.

SAMUEL CURREY.

UNITED STATES OF AMERICA, } ss.
*Rhode Island district,* }

On this sixth day of April, A. D. 1842, personally appeared the abovementioned Hamilton Hoppin and Samuel Currey, and made oath to the truth of the facts contained in the statements by them above respectively subscribed before me. And I certify that they are persons entitled to credit.

JOHN PITMAN,
*District Judge of the United States for Rhode Island district.*

---

The following statement of facts relative to the proceedings of the party from which has emanated the people's constitution, (so called,) is made partly from recollection, and partly from the official publications of the abovenamed party:

On Saturday, April 17, 1841, the Rhode Island Suffrage Association, located in the city of Providence, together with the auxiliary associations in various other towns and villages in the State, assembled at Providence by previous appointment, and held what was termed a mass meeting. The assemblage was very large—containing, probably, from six to eight thousand; and in the procession were many banners, with inscriptions—some of the latter calculated to produce the impression that the party had intended and determined to effect a change in the form and principles of government in the State, at all hazards. Among these were, "I DIE FOR LIBERTY," "PEACEABLY IF WE CAN, FORCIBLY IF WE MUST," &c. Nothing very material occurred at the above convention or meeting; but in a few days

subsequent to it, another was appointed, with the mutual understanding of the various associations, and also individuals, to be held at Newport on Wednesday, May 5th, the day of the general election at that place for the State of Rhode Island. This convention, or rather mass meeting, (for it was a perfectly voluntary assemblage,) consisted, as near as could be conveniently ascertained, of about five thousand people, as computed by its friends, and published in the official organ of the party at the time. At that meeting a resolution, among others, was passed to appoint a State committee, with powers to call a convention of the people to form a constitution for the State. In conformity with this resolution, a committee was appointed, consisting of eleven members. The proceedings were strictly of an ex-parte character, as none were permitted to act at the meeting but those who wore the badge of the suffrage party, or were otherwise recognised as its friends and supporters. (See New Age, June 18th, 1841.)

Subsequent to the meeting at Newport, no other movements occurred of an extraordinary character, or of much importance, except a passage of resolutions occasionally at the meetings of the associations, the celebration of the anniversary of American Independence at Providence, and more particularly the meeting of the State committee at Providence, and the measures taken by that committee to call a convention to form a State constitution. (See New Age, June 18, 1841.) The meetings for the choice of delegates from the several wards and towns to attend that convention, were directed to be held on Saturday, August 28, 1841. Previous to the issue of the call for this convention, the General Assembly had issued a call for a convention of the freemen of the State to form a constitution; and the meetings for the choice of delegates to this convention had, at the same time, been ordered to take place on Tuesday, August 31, 1841. Thus the State committee intentionally took precedence of the General Assembly in point of time, and maintained that precedence throughout, as did also the (so called) people's convention over that one summoned and acting under the legislative authority. And, as far as I knew, or was able to learn, that course was pursued by the leaders, or a portion of the leaders of that party, that, by premature action and ultra measures, they might counteract the efforts of the legal convention, render its labors abortive, and secure themselves the support of a large popular majority in the State—to revolutionize the government, peaceably or forcibly, as the case might be.

The meetings for the choice of delegates, and those for the adoption of the people's constitution, were, of course, destitute of sworn officers, and without legal responsibility. The number of votes for delegates in the entire State was about 7,000. (See New Age, September 3, 1841.) For the adoption of the constitution, the number was said to be 13,944, and was so returned. As near as I have been able to judge, about 9,500 of these were received on the first three days; and the remainder, by proxy, on the last three days. Of the manner in which these meetings and the voting were conducted, (except at the 3d ward polls in the city of Providence, where I attended myself,) I can say nothing; though it was then, and has been since, supposed that uniformity prevailed, in a great measure, in most parts of the State. In the above-named ward, no evidence was required, on either occasion alluded to, of the qualification to vote of any one who offered, except his own yea or nay; and even of foreigners, strangers, or otherwise, no naturalization papers, or other evidence of citizenship, was required. During the last three days, or days of proxy voting, I was informed by the warden or moderator, and clerk, that a large number

of votes were deposited in the ballot-box, which had been received from seamen and others, then absent, previous to their departure; and I have reason to suppose that, from persons who did not attend the polls at all in that ward, some two or three hundred votes were cast, or said to be cast. Similar proceedings, it was understood, were had throughout the State.

I know that some, at least, of the most prominent men in that party, (and I think many, if not all of them,) were extremely anxious that the legal convention should not form a constitution that would be acceptable to the people; that they declared they would not vote for one, word for word like their own, or even better than their own; and that, let what would come, they would carry their constitution into effect, and organize and establish a government on it, by force if necessary. And such, I have reason to believe, has been, from the first, and still continues to be, the spirit and feeling of the members of that party in general. Much of that spirit I have seen manifested, and many threats of violence in case of resistance to their measures; nor have I any reason to suppose that they were lightly or idly uttered or intended. I have long been conversant with the party of which I have spoken, and I think I understand their feelings; and, from the treatment I have invariably received when opposing even all intimations of violence, am fully persuaded that a firm resolve pervades their ranks never to give back from their purpose, if they can perceive a probability of its execution by any means in their power. As further evidence of this, refer to resolutions of the State convention, passed at Providence, Wednesday, January 12, 1842, and the motto on their flag, which was, and still is, "*The constitution is adopted, and shall be maintained.*"

JACOB FRIEZE.

PROVIDENCE, *April* 6, 1842.

UNITED STATES OF AMERICA, *Rhode Island district*, } *ss:*

On this 6th day of April, A. D. 1842, personally appeared the beforenamed Jacob Frieze, subscribed to the foregoing statement, and solemnly affirmed that the facts therein stated were true, before me; and I certify that the said Jacob Frieze is a man of respectability and entitled to credit.

JOHN PITMAN,
*District Judge of the United States for Rhode Island district.*

—

I, Christopher Robinson, of Cumberland, in the county of Providence and State of Rhode Island, on oath declare: That I am a native of Rhode Island, and, for the last eighteen months, have been a member of the State Legislature. This affiant further states, that, in the spring of 1841, according to the best of this affiant's recollection, meetings of individuals, in many towns in this State, were organized under the name of "suffrage associations;" the objects of which associations were ostensibly to procure an extension of the elective franchise in this State. In the month of May last, a mass meeting of the people of this State, friendly to the purpose of said associations, was called by the suffrage association in the city of Providence, to be holden in Newport, in this State, on the 5th day of said month, for

the purpose of concerting measures to effect the object of said associations. Said mass meeting was holden at said Newport at the time aforesaid, at which a State committee was elected, vested with authority by said mass meeting to call, if necessary, a State convention. Another mass meeting of the people, friendly to the objects of said "suffrage associations," was holden in the city of Providence on the 5th day of July, 1841, at which this affiant believes it was resolved to call a convention of the people of the State for the purpose of framing a constitution for the government thereof. In the month of July, 1841, according to the best of this affiant's recollection, papers were circulated in the town of Cumberland, and this affiant presumes in other towns, for the purpose of procuring the signatures of the citizens to an expression of their wishes either for or against having a constitution for the State. How many signatures were obtained to said papers, this affiant does not know. Early in the month of August last, a call was made by the State committee who were elected at the mass convention at Newport, directed to the people of this State, and requesting the male citizens thereof, who were of the age of 21 years and upwards, to assemble in their different towns in open meetings, and elect delegates to a convention to be holden at Providence on the 5th day of October, A. D. 1841, according to the best of this affiant's recollection, for the purpose of framing a constitution of this State. Said meetings were holden in the different towns in this State, as this affiant understood and verily believes; at which said meetings no negative votes were given, as this affiant has heard and verily believes; and which meetings were not recognised by any law of this State, and the officers of which said meetings did not act under any legal obligation, nor did they return a record of their doings to any legal body in this State. The delegates elected as aforesaid assembled in the city of Providence at the time appointed, and, after being in session one week, adjourned to meet in the city of Providence on the 15th day of November following, at which time said convention reassembled and completed the formation of a constitution; which said constitution was ordered by said convention to be voted for on the 27th, 28th, and 29th days of December, 1841, in open meetings; and the three successive days were allowed by said convention for those persons who were prevented by sickness, or other causes, from attending the open meetings, to bring or send in their votes to the persons who presided at the open meetings. All persons over the age of 21 years, resident in the State, were allowed, as this affiant recollects, to vote upon the question of its adoption, and the voter was requested to express upon the back of his vote that he was qualified to vote by the existing laws of this State or not, and also to declare that he was an American citizen of the age of 21 years, and had his permanent residence or home in this State. On this vote the name of the voter was written. The convention ordered said votes, after the expiration of the said six days, to be sealed up and sent to said convention, at an adjourned session of said convention in said Providence, holden on the — day of January, A. D. 1842, for the purpose of being counted. Said convention met on said — day of January, A. D. 1842, counted said votes, declared that a majority of the people of this State over the age of 21 years, had voted for said constitution, and proclaimed that the same was the supreme and paramount law of the State. On the 19th day of February, A. D. 1842, a convention, called by the General Assembly of this State at their January session, A. D. 1841, sent out to the people of this State a constitution for their adoption or rejection, and

ordered the same to be voted for on the 21st, 22d, and 23d days of March last, by the people of this State who were qualified to vote under its provisions—said voting to be had in open town meetings, and the presiding officer of the same duly authorized to administer all necessary oaths, to prevent illegal and fraudulent voting.

Before the rising of said last convention called by the General Assembly and elected by the qualified electors of the State, meetings were held in various parts of the State by the friends of the "people's constitution," (as the constitution emanating from the first convention herein described was called,) in which said meeting the constitution proposed by the convention called by the General Assembly was denounced as a usurpation of the power of the people, and in which it was determined to stand by and defend the first constitution at all hazards.

On the 26th day of February, A. D. 1842, a meeting of persons friendly to the first-named constitution was holden in the village of Woonsocket, in the town of Cumberland, in which said village this affiant resides, [at which meeting] the two following resolutions were passed:

*Resolutions passed at Woonsocket, February 26.*

"*Resolved, That the people's constitution we will maintain at* ALL AND EVERY HAZARD.

"*Resolved,* That we, as one man, WILL, BY EVERY MEANS IN OUR POWER, oppose the adoption of this spurious constitution, nor abate our efforts until it shall be one of the things that were."

And, on the 1st day of March, A. D. 1842, another meeting of the friends of the first constitution was holden in the town of Cumberland, at which said meeting the following resolutions were passed:

*Resolutions passed at Cooke's Hotel, Cumberland, March 1.*

"*Resolved,* That we will peaceably submit to the authorities of this State until a certain day named in the people's constitution, *when we will not be governed by any power but such as is provided by the constitution, unless forced by the strong arm of power.*

"*Resolved,* That the time may come when further forbearance will cease to be a virtue, and we shall consider that time as arrived whenever there is any hindrance to the peaceable action of the people's constitution.

"*Resolved,* That we stand ready, at a moment's warning, with our lives and honor, to carry into full effect the people's constitution, according to the conditions of the same, unless otherwise ordered by the General Government of this nation."

This affiant states that he was not present at any of the above meetings, and knows of the passage of the said resolutions only by reading them in the newspapers, and hearing those who set up the people's constitution (so called) as the supreme law of the State acknowledging that such resolutions were passed, and avowing in their conversation the same sentiments and same determination; and this affiant further states, that he has heard many individuals threaten to enforce said constitution by arms, if necessary; and this affiant further states that he verily believes that there are now in this State large bodies of men who have pledged themselves, by a resort to arms, if necessary, to resist any attempt on the part of the Government to enforce the act entitled "An act in relation to offences against the sovereign power of the State;" and this belief is founded on the declarations, openly and boldly made, by those of our people who have been made to believe

that the first-named constitution, informally made and informally voted for, is the supreme law of the State.

This affiant resides in a large manufacturing village—a large portion of the male population of which over the age of 21 years believe that said constitution, made without law, is the supreme law of the State, and will be so recognised by the constituted authorities of the United States. To those authorities they appear alone willing to yield; and this affiant verily believes that any intimation from the Executive of the United States as to the validity of said constitution will settle the whole difficulties, which have now assumed the character of open and determined opposition to the present government of this State.

CHRISTOPHER ROBINSON.

UNITED STATES OF AMERICA, *Rhode Island district*, } *ss:*

On this 6th day of April, A. D. 1842, personally appeared the above named Christopher Robinson, to me well known to be a gentleman of veracity, and a member of the Rhode Island bar, and a member of the General Assembly of this State, and made oath to the truth of the statement by him above subscribed, before me,

JOHN PITMAN,
*District Judge of the United States for Rhode Island district.*

—

I, Edward S. Wilkinson, of the village of Pawtucket, in the town of North Providence, and State of Rhode Island, on oath depose: That, on the 5th day of April, A. D. 1842, notices were pasted up in various places in said village, calling upon the friends of suffrage to meet at the Pawtucket Hotel on the evening of the said 5th day of April, for the purpose of forming a "militia company." One of the handbills calling said meeting is hereunto annexed. And this affiant further says, that the written portion of said handbill is in the handwriting of John S. Dispean, a constable of said town of North Providence, who is known to this affiant to be a leading and active member of the party who supports the "people's constitution," so called. And this affiant further says, that a meeting was held in said village in pursuance of said call; but of the doings of said meeting this affiant is not apprized. And this affiant further says, that he is well acquainted with Isaac T. Jenks, and that he is a duly commissioned deputy sheriff in said Pawtucket, and that his statements are entitled to the fullest credit.

EDW. S. WILKINSON.

I, Isaac T. Jenks, of said Pawtucket, certify that the facts in relation to the handbill contained in the affidavit of Edw. S. Wilkinson are true, and that the annexed is one of the original handbills; and furthermore, that the written part of said handbill is in the handwriting of John S. Dispean, and said handbills were posted up by said Dispean, to my own knowledge.

ISAAC T. JENKS.

UNITED STATES OF AMERICA, *Rhode Island district*, } *ss:*

On this 6th day of April, A. D. 1842, personally appeared the above-named Edward S. Wilkinson and Isaac T. Jenks, subscribers to the fore-

going affidavits, and made oath to the truth of the same as by them subscribed before me; and I further certify that the said Edward S. Wilkinson is well known to me as a gentleman of veracity and character, and that he is a Representative in the General Assembly of this State.

JOHN PITMAN,
*District Judge of the United States*
*for Rhode Island district.*

---

Paper produced and annexed to the above depositions, as referred to.

JOHN PITMAN,
*District Judge of the United States*
*for Rhode Island district.*

SUFFRAGE MEETING.

The citizens of Pawtucket and vicinity, friendly to a constitution and an equal representation in the State of Rhode Island, are requested to meet at the *Pawtucket Hotel this 5th day of April, at 7 o'clock.* A punctual attendance of all those interested in the cause is solicited, to *form a militia company.* By order of the executive committee.

PAWTUCKET, R. I.

---

No. 6.

APRIL 9, 1842.

MY DEAR SIR: Will you do me the favor to see the committee from Rhode Island, as soon after the meeting of the cabinet as may suit your convenience?

I regret to learn from Mr. Francis that the leaning of your mind was decidedly against any expression of opinion upon the subject, upon the ground that *free suffrage* must *prevail.* Undoubtedly it will. That is not the question. The freeholders of Rhode Island have yielded that point; and the *only* question is, between their constitution, providing for an extension of suffrage, and ours, containing *substantially* the *same* provision. Whether their constitution shall be carried out by *force of arms, without* a majority; or the present government be supported *until* a constitution can be agreed upon that will command a majority. Neither their constitution nor ours has, as yet, received a majority of the free white males over twenty-one years of age. *There is no doubt upon that subject;* and I very much regret that your mind should have been influenced (if it has) by the paper called the *Express.* Nearly all the leaders, who are professional men, have abandoned them, on the ground that a majority is not in favor of their constitution. I *know* this to be true. I do hope that you will reconsider this vital question, and give us a full hearing before you decide.

With great respect, very truly and sincerely, yours,

JOHN WHIPPLE.

---

No. 7.

WASHINGTON, *April* 10, 1842.

The undersigned having been deputed by Samuel W. King, the Governor of the State of Rhode Island, to lay before you the present alarming

condition in which the people of that State are placed, and to request from you the adoption of such prudential measures as, in your opinion, may tend to prevent domestic violence, beg leave most respectfully to state the following, among the leading facts, to which your attention is more particularly invited.

That the people of Rhode Island have no fundamental law, except the charter of King Charles the Second, granted in 1663, and the usage of the Legislature under it. Legislative usage under their charters has been decided by the Supreme Court of the United States to be the fundamental law, both in Connecticut and Rhode Island.

That, from the date of the Rhode Island charter down to the year 1841, a period of nearly two hundred years, no person has been allowed to vote for town or State officers, unless possessed of competent estates, and admitted free in the several towns in which they resided.

That, since the statute of 1728, no person could be admitted a freeman of any town unless he owned a freehold estate of the value fixed by law, (now, one hundred and thirty-four dollars,) or was the eldest son of such a freeholder.

That, until the past year, no attempt has been made, to our knowledge, to establish any other fundamental law, by force, than the one under which the people have lived for so long a period.

That, at the January session of the Legislature in 1841, a petition, signed by five or six hundred male inhabitants, praying for such an extension of suffrage as the Legislature might in their wisdom deem expedient to propose, was presented.

That, influenced by that petition, as well as by other considerations, the Legislature at that session requested the qualified voters (or freemen, as they are called with us) to choose delegates at their regular town meetings, to be holden in August, 1841, for a convention to be holden in November, 1841, to frame a written constitution.

That the result of the last meeting of this legal convention in February, 1842, was the constitution accompanying this statement, marked ———, which, in case of its adoption by the people, would have been the supreme law of the State.

Most of the above facts are contained in the printed report of a numerous committee of the Legislature at their session in March, 1842, which report was adopted by the Legislature.

That, in May, 1841, after said legal convention had been provided for by the Legislature, and before the time appointed for the choice of delegates by the qualified voters, (August, 1841,) a mass meeting was held by the friends of an extension of suffrage at Newport, at which meeting a committee was appointed, called the State committee, who were authorized by said mass meeting to take measures for calling a convention to frame a constitution.

That this committee, thus authorized, issued a request for a meeting of the male citizens in the several towns, to appoint delegates to the proposed convention.

That meetings (of unqualified voters, principally, as we believe) were accordingly holden in the several towns, unauthorized by law, and contrary to the invariable custom and usage of the State from 1663 down to that period; that the aggregate votes appointing the delegates to that conven-

tion were, according to their own estimate, about 7,200; whereas the whole number of male citizens over 21 years of age, after making a deduction for foreigners, paupers, &c., was, according to their own estimate, over 22,000.

That this convention, thus constituted, convened in Providence, in October, 1841; and the constitution, called the "people's constitution," was the result of their deliberations.

That, at subsequent meetings of portions of the people, in December, 1841, by the authority of this convention alone, (elected, as its delegates had been, by about one-third of the voters, according to their own standard of qualification,) all males over 21 years of age were admitted to vote for the adoption of the people's constitution. That these meetings were not under any presiding officer, whose legal right or duty it was to interpose any check or restraint as to age, residence, property, or color.

By the 14th article of this constitution, it was provided that "this constitution shall be submitted to the people for their adoption or rejection on Monday, the 27th of December next, and on the two succeeding days; "and every person entitled to vote as aforesaid, who, from sickness or *other causes*, may be unable to attend and vote in the town or ward meetings, assembled for voting upon said constitution, on the days aforesaid, is requested to write his name on a ticket, and to obtain the signature, upon the back of the same, of a person who has given in his vote, as a witness thereto; and the moderator or clerk of any town or ward meeting convened for the purpose aforesaid shall receive such vote on either of the three days next succeeding the three days before named for voting for said constitution."

During the first three days, about 9,000 votes were received from the hands of the voters in the open meetings. By the privilege granted to any and all friends of the constitution, of *bringing in* to their meetings the *names* of voters during the three following days, 5,000 votes more were obtained—making an aggregate of about 14,000 votes.

This constitution, thus originating and thus formed, was subsequently declared by this convention to be the supreme law of the land. By its provisions, a government is to be organized under it, by the choice of a Governor, Lieutenant Governor, Senators and Representatives, on the Monday preceding the third Wednesday in April, 1842.

By the provisions of the "land holders' constitution," (as the legal constitution is called,) every white native citizen, possessing the freehold qualification, and over 21 years of age, may vote upon a residence of *one* year; and without any freehold, may vote upon a residence of *two* years; except in the case of votes for town taxes, in which case the voter must possess the freehold qualification, *or* be taxed for other property of the value of $150.

By the "people's constitution," "every white male citizen of the United States, of the age of 21 years, who has resided in this State for *one* year, and in the town where he votes for six months," shall be permitted to vote, with the same exception as to voting for town taxes as is contained in the other constitution.

The provision, therefore, in relation to the great subject in dispute—the elective franchise—is substantially the same in the two constitutions.

On the 21st, 22d, and 23d March last, the legal constitution, by an act of the Legislature, was submitted to all persons who, by its provisions, would be entitled to vote under it, after its adoption, for their ratification. It was rejected by a majority of 676 votes, the number of votes polled being over

16,000. It is believed that many freeholders voted against it, because they were attached to the old form of government, and were against any new constitution whatever. Both parties used uncommon exertions to bring all their voters to the polls; and the result of the vote was, under the scrutiny of opposing interests in legal town meetings, that the friends of the people's constitution brought to the polls probably not over 7,000 to 7,500 votes. The whole vote against the legal constitution was about 8,600. If we allow 1,000 as the number of freeholders who voted against the legal constitution because they are opposed to any constitution, it would leave the number of the friends of the people's constitution 7,600, or about one-third of the voters of the State, under the new qualification proposed by either constitution.

It seems incredible that there can be 14,000 friends of the people's constitution in the State, animated, as they are, by a most extraordinary and enthusiastic feeling; and yet, upon this trial, in the usual open and fair way of voting, they should have obtained not over 7,600 votes.

The unanimity of the subsequent action of the Legislature, comprehending, as it did, both the great political parties—the House of Representatives giving a vote of 60 in favor of maintaining the existing government of the State, and only 6 on the other side, with a unanimous vote in the Senate—the unanimous and decided opinion of the supreme court declaring this extraordinary movement to be illegal in all its stages, (see ———,) a majority of that court being of the democratic party—with other facts of a similar character, have freed this question of a mere party character, and enabled us to present it as a great constitutional question.

Without presuming to discuss the elementary and fundamental principles of government, we deem it our duty to remind you of the fact that the existing government of Rhode Island is *the* government that adopted the constitution of the United States, became a member of this confederacy, and has ever since been represented in the Senate and House of Representatives. It is, at this moment, the existing government of Rhode Island, both *de facto* and *de jure;* and is the only government in that State entitled to the protection of the constitution of the United States.

It is that government which now calls upon the General Government for its interference; and even if the legal effect of there being an ascertained majority of unqualified voters against the existing government were as is contended for by the opposing party, yet, upon their own principle, ought not that majority in point of fact to be clearly ascertained, not by assertion, but by proof, in order to justify the General Government in withdrawing its legal and moral influence to prevent domestic violence?

That a domestic war of the most furious character will speedily ensue, unless prevented by a prompt expression of opinion here, cannot be doubted. In relation to this, we refer to the numerous resolutions passed at meetings of the friends of the people's constitution, and more especially to the Cumberland resolutions, herewith presented, and the affidavits marked ———, and to repeated expressions of similar reliance upon the judgment of the Chief Magistrate of the nation.

All of which is respectfully submitted by

JOHN WHIPPLE,
JOHN BROWN FRANCIS,
ELISHA R. POTTER.

His Excellency JOHN TYLER,
*President of the United States.*

No. 8.

NEWPORT, R. I., *May* 4, 1842.

SIR: I transmit, herewith, certain resolutions passed by the General Assembly of this State, at their session holden at Newport on the first Wednesday of May instant.

You are already acquainted with some of the circumstances which have rendered necessary the passage of these resolutions. Any further information that may be desired will be communicated by the bearers, the honorable Richard K. Randolph, Speaker of the House of Representatives, and Elisha R. Potter, esq., a member of the Senate of this State.

I cannot allow myself to doubt but that the assistance to which this State is entitled under the constitution of the United States, to protect itself against domestic violence, will be promptly rendered by the General Government of the Union.

With great respect, I am your excellency's humble servant.

SAM. W. KING,
*Governor of Rhode Island.*

To his Excellency JOHN TYLER,
*President of the United States.*

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, May session*, 1842.

Whereas a portion of the people of this State, for the purpose of subverting the laws and existing government thereof, have framed a pretended constitution, and for the same unlawful purposes have met in lawless assemblages, and elected officers for the future government of this State: and whereas the persons so elected, in violation of law, but in conformity to the said pretended constitution, have, on the third day of May instant, organized themselves into executive and legislative departments of government, and, under oath, assumed the duties and exercise of said powers: and whereas, in order to prevent the due execution of the laws, a strong military force was called out, and did array themselves to protect the said unlawful organization of government, and to set at defiance the due enforcement of law: Therefore,

*Resolved by the General Assembly*, That there now exists in this State an insurrection against the laws and constituted authorities thereof; and that, in pursuance of the constitution and laws of the United States, a requisition be, and hereby is, made by this Legislature upon the President of the United States, forthwith to interpose the authority and power of the United States to suppress such insurrectionary and lawless assemblages, to support the existing government and laws, and protect the State from domestic violence.

*Resolved*, That his excellency the Governor be requested immediately to transmit a copy of these resolutions to the President of the United States.

True copy—

Witness: HENRY BOWEN,
*Secretary of State.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*Secretary's Office, May* 4, 1842.

I, Henry Bowen, Secretary of said State, and keeper of the records and the seal thereof, do certify that the foregoing is a true copy of the resolution passed by the General Assembly of said State, this fourth day of May instant—duly compared.

In testimony whereof, I have hereunto set my hand, and affixed the seal [L. S.] of said State, at Newport, the day and year above written.

HENRY BOWEN.

---

No. 9.

WASHINGTON, *May* 7, 1842.

SIR: Your letter of the 4th instant, transmitting resolutions of the Legislature of Rhode Island, informing me that there existed in that State "certain lawless assemblages of a portion of the people," "for the purpose of subverting the laws and overthrowing the existing government," and calling upon the Executive "forthwith to interpose the authority and power of the United States to suppress such insurrectionary and lawless assemblages, and to support the existing government and laws, and protect the State from domestic violence," was handed me yesterday by Messrs. Randolph and Potter.

I have to inform your excellency, in reply, that my opinions as to the duties of this Government to protect the State of Rhode Island against domestic violence remain unchanged. Yet, from information received by the Executive since your despatches came to hand, I am led to believe that the lawless assemblages, to which reference is made, have already dispersed, and that the danger of domestic violence is hourly diminishing, if it has not wholly disappeared. I have with difficulty brought myself at any time to believe that violence would be resorted to, or an exigency arise, which the unaided power of the State could not meet—especially as I have, from the first, felt persuaded that your excellency, and others associated with yourself in the administration of the government, would exhibit a temper of conciliation as well as of energy and decision. To the insurgents themselves, it ought to be obvious, when the excitement of the moment shall have passed away, that changes achieved by regular, and, if necessary, repeated appeals to the constituted authorities, in a country so much under the influence of public opinion, and by recourse to argument and remonstrance, are more likely to ensure lasting blessings than those accomplished by violence and bloodshed on one day, and liable to overthrow, by similar agents, on another.

I freely confess that I should experience great reluctance in employing the military power of this Government against any portion of the people; but, however painful the duty, I have to assure your excellency that, if resistance be made to the execution of the laws of Rhode Island by such force as the *civil posse* shall be unable to overcome, it will be the duty of this Government to enforce the constitutional guarantee—a guarantee given and adopted mutually by all the original States, of which number Rhode Island was one, and which, in the same way, has been given and adopted by each of the States since admitted into the Union; and if an exigency of

lawless violence shall actually arise, the Executive Government of the United States, on the application of your excellency, under the authority of the resolutions of the Legislature already transmitted, will stand ready to succor the authorities of the State in their efforts to maintain a due respect for the laws. I sincerely hope, however, that no such exigency may occur, and that every citizen of Rhode Island will manifest his love of peace and good order, by submitting to the laws, and seeking a redress of grievances by other means than intestine commotions.

I tender to your excellency assurances of my distinguished consideration.

JOHN TYLER.

To the GOVERNOR *of the State of Rhode Island.*

---

No. 10.

SIR: As requested by the General Assembly, I have the honor of transmitting to you, under the seal of the State, the accompanying resolutions; and I am, very respectfully,

Your obedient servant,

THOMAS W. DORR,

*Governor of the State of Rhode Island and Providence Plantations.*

To JOHN TYLER, *President of the United States.*

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

GENERAL ASSEMBLY,—MAY SESSION,
*In the city of Providence, A. D.* 1842.

*Resolved*, That the Governor be requested to inform the President of the United States that the government of this State has been duly elected and organized under the constitution of the same; and that the General Assembly are now in session and proceeding to discharge their duties, according to the provisions of said constitution.

*Resolved*, That the Governor be requested to make the same communication to the President of the Senate, and to the Speaker of the House of Representatives, to be laid before the two Houses of the Congress of the United States.

*Resolved*, That the Governor be requested to make the same communication to the Governors of the several States, to be laid before the respective Legislatures.

A true copy.

Witness, WM. H. SMITH,
*Secretary of State.*

---

No. 11.

[Private and confidential.]

MAY 9, 1842.

SIR: Messrs. Randolph and Potter will hand you an official letter; but I think it important that you should be informed of my views and opinions

as to the best mode of settling all difficulties. I deprecate the use of force, except in the last resort; and I am persuaded that measures of conciliation will at once operate to produce quiet. *I am well advised*, if the General Assembly would authorize you to announce a general amnesty and pardon for the past, without making any exception, upon the condition of a return to allegiance, and follow it up by a call for a new convention upon somewhat liberal principles, that all difficulty would at once cease. And why should not this be done? A government never loses anything by mildness and forbearance to its own citizens; more especially when the consequences of an opposite course may be the shedding of blood. In your case, the one-half of your people are involved in the consequences of recent proceedings. Why urge matters to an extremity? If you succeed by the bayonet, you succeed against your own fellow citizens, and by the shedding of kindred blood; whereas, by taking the opposite course, you will have shown a paternal care for the lives of your people. My own opinion is, that the adoption of the above measures will give you peace, and insure you harmony. A resort to force, on the contrary, will engender, for years to come, feelings of animosity.

I have said that I *speak advisedly*. Try the experiment; and if it fail, then your justification in using force becomes complete.

Excuse the freedom I take, and be assured of my respect.

JOHN TYLER.

Governor KING, *of Rhode Island.*

---

No. 12.

PROVIDENCE, (R. I.) *May* 12, 1842.

MY DEAR SIR: I have had the honor to receive your communication of the 9th instant, by Mr. Randolph, and assure you it has given me much satisfaction to know that your views and opinions as to the course proper to be pursued by the government of this State, in the present unhappy condition of our political affairs, is so much in conformity with my own.

Our Legislature will undoubtedly, at their session in June next, adopt such measures as will be necessary to organize a convention for the formation of a new constitution of government, by which all the evils now complained of may be removed.

It has already been announced, as the opinion of the Executive, that such of our citizens as are or have been engaged in treasonable and revolutionary designs against the State will be pardoned for the past, on the condition only that they withdraw themselves from such enterprise, and signify their return to their allegiance to the government.

With high consideration and respect, your obedient and very humble servant,

SAML. W. KING.

His Excellency the PRESIDENT OF THE UNITED STATES.

No. 13.

KINGSTON, (R. I.,) *May* 15, 1842.

DEAR SIR: We arrived at Newport on Wednesday morning, in time to attend the meeting of our Legislature.

The subject of calling a convention immediately, and upon a liberal basis as to the right of voting for the delegates, was seriously agitated amongst us. The only objection made was, that they did not wish to concede while the *people's party* continued *their threats*. All allowed that the concession must be made, and the only difference of opinion was as to time.

For my own part, I fear we shall never see the time when concession could have been made with better grace, or with better effect, than now. If two or three *noisy* folks among the suffrage party could only have their mouths stopped for a week or two, a reconciliation could be brought about at any time. Or, if Mr. Dorr would allow himself to be arrested peaceably, and give bail, no one could then object. But the supporters of the government say it is wrong to give up so long as Mr. Dorr threatens actual resistance to the laws in case he is arrested. If this could be done, they would then consider that they had sufficiently shown their determination to support the laws; and the two measures which you proposed to us in conversation at Washington—a convention, and then a *general* amnesty—would succeed beyond a doubt.

Allow me to suggest that if Mr. Wickliffe, or some one whom you might think would have most influence, would address a letter to Governor Fenner on the subject of conciliation, it might be of great service. Governor F. is the father-in law of General Mallett, and a member of our Senate.

Our Assembly adjourned to the third Monday of June; but it is in the power of the Governor to call it sooner, which can be done in a day at any time. Unless, however, there is a little more *prudence* in the *leaders* on both sides, we shall then be farther from reconciliation than now. The great mass of both parties I believe to be sincerely anxious for a settlement.

I do not know whether a letter addressed to the President upon a subject of this nature would of course be considered as public, and liable to inspection. Few would write freely, if that were the case. If private, I will cheerfully communicate from time to time any information that may be in my power, and which might be of any service.

I am, sir, very respectfully, your obedient servant,

ELISHA R. POTTER.

His Excellency JOHN TYLER,
*President of the United States.*

Mr. Dorr returned to Providence this (Monday) morning with an armed escort.

(Written in *pencil*, in same handwriting.)

---

No. 14.

[Private.]

WASHINGTON, *May* 20, 1842.

DEAR SIR: You have my thanks for your favor of the 15th inst., and I have to request that you will write to me, without reserve, whenever any-

thing of importance shall arise. My chief motives for desiring the adoption of the measures suggested to you—viz: a general amnesty, and a call of a convention—were, 1st. Because I felt convinced that peace and harmony would follow in their train; and, 2dly. If in this I was disappointed, the insurgents would have had no longer a pretence for an appeal to the public sympathies in their behalf. I saw nothing to degrade or to give rise to injurious reflections against the government of the State, for resorting to every proper expedient in order to quiet the disaffection of any portion of her own people. Family quarrels are always the most difficult to appease; but everybody will admit that those of the family who do most to reconcile them, are entitled to the greatest favor. Mr. Dorr's recent proceedings have been of so extravagant a character as almost to extinguish the last hope of a peaceable result; and yet I cannot but believe that much is meant for effect, and for purposes of intimidation merely. I certainly hope that such may be the case, though the recent proceedings in New York may have excited new feelings and new desires. This mustering of the clans may place Governor King in a different situation from that which he occupied when I had for pleasure of seeing you. *Then*, he might have yielded with grace; whether he can do so now, is certainly a question of much difficulty, and one on which I cannot venture to express an opinion at this distance from the scene of action.

I shall be always most happy to hear from you, and your letters will never be used to your prejudice.

Accept assurances of my high respect.

JOHN TYLER.

ELISHA R. POTTER, Esq.

---

No. 15.

PROVIDENCE, *May* 16, 1842.

SIR: At the request of Governor King, I enclose to you an extra of the Providence Daily Express of this morning, containing the proclamation of Thomas W. Dorr to the people of this State.

It states definitely the position assumed by him and his faction against the government of this State and of the United States.

His excellency tenders to you the highest respect and consideration.

Respectfully, yours,

THOS. A. JENCKES,
*Private Secretary.*

To the PRESIDENT OF THE UNITED STATES.

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

A PROCLAMATION

*By Thomas W. Dorr, Governor and commander-in-chief of the same.*

FELLOW-CITIZENS: Shortly after the adjournment of the General Assembly, and the completion of indispensable executive business, I was in-

duced, by the request of the most active friends of our cause, to undertake the duty (which had been previously suggested) of representing in person the interests of the people of Rhode Island in other States, and at the seat of the General Government. By virtue of a resolution of the General Assembly, I appointed Messrs. Pearce and Anthony commissioners for the same purpose.

Of the proposed action of the Executive in the affairs of our State, you have been already apprized. In case of the failure of the civil posse (which expression was intended by the President, as I have been informed, to embrace the military power) to execute any of the laws of the Charter Assembly, including their law of pains and penalties, and of treason, as it has been for the first time defined, the President intimates an intention of resorting to the forces of the United States to check the movements of the people of this State in support of their republican constitution recently adopted.

From a decision which conflicts with the right of sovereignty inherent in the people of this State, and with the principles which lie at the foundation of a democratic republic, an appeal has been taken to the people of our country. They understand our cause; they sympathize in the injuries which have been inflicted upon us; they disapprove the course which the national Executive has adopted towards this State; and they assure us of their disposition and intention to interpose a barrier between the supporters of the people's constitution and the hired soldiery of the United States. The democracy of the country are slow to move in any matter which involves an issue so momentous as that which is presented by the controversy in Rhode Island; but when they have once put themselves in motion, they are not to be easily diverted from their purposes. They believe that the people of Rhode Island are in the right; that they are contending for equal justice in their political system; that they have properly adopted a constitution of government for themselves, as they were entitled to do; and they cannot, and will not, remain indifferent to any act, from whatever motive it may proceed, which they deem to be an invasion of the sacred right of self-government, of which the people of the respective States cannot be divested.

As your representative, I have been everywhere received with the utmost kindness and cordiality. To the people of the city of New York, who have extended to us the hand of a generous fraternity, it is impossible to overrate our obligation at this most important crisis.

It has become my duty to say, that, so soon as a soldier of the United States shall be set in motion, by whatever direction, to act against the people of this State, in aid of the charter government, I shall call for that aid to oppose all such force, which, I am fully authorized to say, will be immediately and most cheerfully tendered to the service of the people of Rhode Island from the city of New York and from other places. The contest will then become national, and our State the battle-ground of American freedom.

As a Rhode Island man, I regret that the constitutional question in this State cannot be adjusted among our own citizens; but, as the minority have asked that the sword of the national Executive may be thrown into the scale against the people, it is imperative upon them to make the same appeal to their brethren of the States—an appeal which, they are well assured, will not be made in vain. They who have been the first to ask

assistance from abroad, can have no reason to complain of any consequences which may ensue.

No further arrests under the law of pains and penalties, which was repealed by the General Assembly of the people at their May session, will be permitted. I hereby direct the military, under their respective officers, promptly to prevent the same, and to release all who may be arrested under said law.

As requested by the General Assembly, I enjoin upon the militia forthwith to elect their company officers; and I call upon volunteers to organize themselves without delay. The military are directed to hold themselves in readiness for immediate service.

[L. S.] Given under my hand, and the seal of the State, at the city of Providence, this 6th day of May, A. D. 1842.

THOMAS W. DORR,

*Governor and commander-in-chief of the State of Rhode Island and Providence Plantations.*

By the Governor's command:

WILLIAM H. SMITH, *Secretary of State.*

---

No. 16.

PROVIDENCE, R. I., *May* 25, 1842.

SIR: Since my last communication, the surface of things in this city and State has been more quiet. The complete dispersing of the insurgents, and the flight of their leader, on Wednesday last, the 18th instant, seemed to have broken their strength, and prevented them from making head openly in any quarter.

But another crisis now appears to be approaching. By the private advices received by myself and the Council, from our messengers in the neighboring States, we learn that Dorr and his agents are enlisting men, and collecting arms, for the purpose of again attempting to subvert, by open war, the government of this State. Those who have assisted him at home, in his extreme measures, are again holding secret councils, and making preparations to rally on his return. Companies of men, pledged to support him, have met and drilled in the north part of this State during the present week.

From the forces which he can collect among our own citizens, we have nothing to fear. Our own military strength has once scattered them, and could as easily do so a second time. But if the bands which are now organizing in Massachusetts, Connecticut, and New York, should make the incursion which they threaten, with Dorr at their head, we have reason to apprehend a civil war of the most destructive and vindictive character. Our own forces might be sufficient to repel them; but having little discipline, and no officer of military experience to lead them, they could not do it without the loss of many valuable lives.

For the evidence that such forces are organizing in other States, I refer your excellency to a letter from Governor Seward, of New York, and to a statement made by one of our messengers to the Council, which will be handed you. Other messengers confirm, to the fullest extent, the same intelligence.

In this posture of affairs, I deem it my duty to call upon your excel-

lency for the support guarantied by the constitution and laws of the United States to this Government. I would submit to your excellency whether a movement of a sufficient body of troops to this quarter, to be stationed at Fort Adams, and to be subject to the requisitions of the Executive of this State, whenever, in his opinion, the exigency should arise to require their assistance, would not be the best measure to ensure peace and respect for the laws, and to deter invasions.

You will see by the statement of the secret agent of the Government that the time set for this incursion is very near. The mustering of the insurgents, and their movement upon the city, will probably be with the greatest expedition, when once commenced—in a time too short for a messenger to reach Washington and return with aid. I therefore make this application before any movement of magnitude on their part, in order that we may be prepared, at the briefest notice, to quell domestic insurrection and repel invasion.

SAM. W. KING,
*Governor of Rhode Island.*

To the PRESIDENT OF THE UNITED STATES.

—

EXECUTIVE DEPARTMENT,
*Albany, May* 22, 1842.

SIR: In compliance with your excellency's requisition, I have this day issued a warrant for the arrest of Thomas Wilson Dorr, esq., charged in Rhode Island with the crime of treason. The warrant will be delivered to a police officer of this city, who will attend Colonel Pitman, and be advised by him in regard to the arrest of the fugitive, should he be found in this State.

May I be allowed to suggest to your excellency that a detention of the accused in this State would be liable to misapprehension; and, if it should be in a particular region of this State, might, perhaps, result in an effort to rescue him. Therefore, it seems to be quite important that your excellency should, without delay, designate, by a communication to me, an agent to receive the fugitive and convey him to Rhode Island.

I have the honor to be, with very high respect and consideration, your excellency's obedient servant,

WILLIAM H. SEWARD.

His Excellency SAMUEL WARD KING,
*Governor of Rhode Island.*

—

PROVIDENCE, *May* 25, 1842.

The Government have received information from persons employed for that purpose, (in which they place confidence,) that efforts are now making to raise troops in Connecticut, Massachusetts, and New York. From this source, it is reported that last evening some leaders of the insurgents at Woonsocket falls and Cumberland were writing circular orders to the commanders of their military companies to meet at Monry's inn, in Smithfield, on Friday, the 27th instant, when a person by the name of De Wolf, of

Millville, in Massachusetts, who has been appointed their military commander, will develop their future plan of operations; that their agents have procured one thousand stand of arms and four pieces of artillery from Massachusetts; also, camp equipage for two thousand men.

The first of June is talked of as the time of the general meeting; that they will drill two days, and then march and attack this city.

They also say they have two thousand five hundred men pledged to be ready at a moment's warning. Dorr is on the borders of this State—sometimes in Connecticut, sometimes in Massachusetts—in constant communication with the insurgents, and concocting the plan of another attack. These are the encouragements held out to them.

[Communicated confidentially.]

---

No. 17.

WASHINGTON CITY, *May* 28, 1842.

SIR: I have received your excellency's communication of the 25th instant, informing me of efforts making by Mr. Dorr and others to embody a force in the contiguous States for the invasion of the State of Rhode Island, and calling upon the Executive of the United States for military aid.

In answer, I have to inform your excellency that means have been taken to ascertain the extent of the dangers of any armed invasion, by the citizens of other States, of the State of Rhode Island, either to put down her government or to disturb her peace. The apparent improbability of a violation, so flagrant and unprecedented, of all our laws and institutions, makes me, I confess, slow to believe that any serious attempts will be made to execute the designs which some evil-minded persons may have formed.

But, should the necessity of the case require the interposition of the authority of the United States, it will be rendered in the manner prescribed by the laws.

In the mean time, I indulge the confident expectation, founded upon the recent manifestations of public opinion in your State in favor of law and order, that your own resources and means will be abundantly adequate to preserve the public peace, and that the difficulties which have arisen will be soon amicably and permanently adjusted, by the exercise of a spirit of liberality and forbearance.

JOHN TYLER.

His Excellency Governor KING.

---

No. 18.

WAR DEPARTMENT, *May* 28, 1842.

SIR: The Governor of Rhode Island has represented to the President that preparations are making by Mr. Dorr, and some of his adherents, to recruit men in the neighboring States, for the purpose of supporting his usurpation of the powers of government, and that he has provided arms and camp equipage for a large number of men. It is very important that we should have accurate information on this subject, and particularly in relation to

the movements made in other States. I have therefore to desre you to employ proper persons to go to the places where it may be supposed such preparations are making, to possess themselves fully of all that is doing and in contemplation, and report frequently to you. It is said that Mr. Dorr's principal headquarters are at the town of Thompson, in the State of Connecticut. It may be well for you to communicate personally with Governor King, and ascertain from him the points and places at which any preparations for embodying men are supposed to be making, and to direct your inquiries accordingly.

It is important that you should select persons on whose integrity and accuracy the fullest reliance can be placed. They should not be partisans on either side; although, to effect the object, it will of course be necessary that some of them should obtain (if they do not already possess) the confidence of the friends of Mr. Dorr. You will please communicate directly to me all the information you obtain, and your own views of it.

It is scarcely necessary to say that this communication is of the most private and confidential character, and is not to be made known to any one.

Respectfully, your obedient servant,

J. C. SPENCER.

Col. BANKHEAD, *Newport, R. I.*

—

WAR DEPARTMENT, *May* 29, 1842.

SIR: The Governor of Rhode Island has represented to the President that preparations are making in other States (particularly in Massachusetts) for an armed invasion of that State to support the usurpations of Mr. Dorr and his friends, and foment domestic insurrection. It is very important that we should have accurate information on this subject; and I have to desire you to take all necessary means to acquire it, and communicate directly to me, as speedily and frequently as possible. It is said that 1,000 stand of arms have been procured in Boston, some pieces of artillery, and a large quantity of camp equipage, for the use of the insurgents. Your attention to this is particularly desired to ascertain its truth or falsehood. It is also said that there are 200 men enrolled and embodied in a town upon the borders of Rhode Island, the name of which has escaped me. Please inquire into this. If it becomes necessary to employ confidential persons to discover what is doing, you will do so—being careful to select those only that are entirely trustworthy; and it will be desirable to avoid heated partisans on either side. Their inquiries should be conducted quietly and privately.

I desire you to communicate fully and freely what you may learn, and your views concerning it, for the information of the President and the department.

It is scarcely necessary to say that this communication is strictly private and confidential.

Respectfully, your obedient servant,

J. C. SPENCER.

Brig. Gen. EUSTIS, *Boston.*

—

The Secretary of War will issue a private order to Colonel Bankhead, commanding at Newport, to employ, if necessary, a private and confidential

person or persons to go into all such places, and among all such persons as he may have reason to believe to be likely to give any information touching Rhode Island affairs, and to report with the greatest despatch, if necessary, to the President. He will also address a letter to General Wool, conveying to him the fears entertained of a hostile invasion contemplated to place Dorr in the chair of state of Rhode Island by persons in the States of Connecticut and New York; and also to General Eustis, at Boston, of a similar character; with instructions to adopt such inquiries (to be secretly made) as they may deem necessary, and to report with the greatest despatch all information which from time to time they may acquire.

(Endorsed "President's instructions, May 28, 1842.")

—

WASHINGTON, *June* 29, 1842.

SIR: From the official communication of Colonel Bankhead to you, this day laid before me, it is evident that the difficulties in Rhode Island have arrived at a crisis which may require a prompt interposition of the Executive of the United States to prevent the effusion of blood. From the correspondence already had with the Governor of Rhode Island, I have reason to expect that a requisition will be immediately made by the Government of that State for the assistance guarantied by the constitution to protect its citizens from domestic violence. With a view to ascertain the true condition of things, and to render the assistance of this Government (if any shall be required) as prompt as may be, you are instructed to proceed to Rhode Island; and, in the event of a requisition being made upon the President, in conformity with the laws of the United States, you will cause the proclamation herewith delivered to be published. And should circumstances, in your opinion, render it necessary, you will also call upon the Governors of Massachusetts and Connecticut, or either of them, for such number and description of the militia of their respective States as may be sufficient to terminate at once the insurrection in Rhode Island; and, in the mean time, the troops in the vicinity of Providence may with propriety be placed in such positions as will enable them to defend that city from assault.

JOHN TYLER.

The SECRETARY OF WAR.

—

*By the President of the United States of America.*

A PROCLAMATION.

Whereas the Legislature of the State of Rhode Island has applied to the President of the United States, setting forth the existence of a dangerous insurrection in that State, composed partly of deluded citizens of the State, but chiefly of intruders of dangerous and abandoned character coming from other States, and requiring the immediate interposition of the constitutional power vested in him to be exercised in such cases, I do issue this my proclamation, according to law, hereby commanding all insurgents, and all persons connected with said insurrection, to disperse and retire peace-

ably to their respective abodes within twenty-four hours from the time when this proclamation shall be made public in Rhode Island.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, this ——— day of ———, in the year of our Lord one thousand eight hundred and forty two, and of the independence of the United States the sixty sixth.

[ L. S. ]

JOHN TYLER.

By the President:

DANIEL WEBSTER,
*Secretary of State.*

---

No. 19.

NEW YORK, *June* 3, 1842.

MY DEAR SIR: I came to this city yesterday, having taken a severe cold on the Sound, and am now just out of my bed. I transmit, herewith, a letter from ———, a friend appointed by me, as you requested, to look into the Rhode Island business. Mr. ——— has had access to authentic sources in Governor Dorr's party, and I have no doubt his account of the whole matter is perfectly just. I supposed I should receive the foreign mail here; but I shall not wait for it, if I should feel well enough to travel to-morrow.

Yours, truly,

DANIEL WEBSTER.

To the PRESIDENT.

---

[Private.]

NEW YORK, *June* 3, 1842.

DEAR SIR: In pursuance of the arrangement made when you were in Boston, I have visited the State of Rhode Island, and, so far as could be done, possessed myself of a knowledge of the existing state of things there. I had a full and free interview with Governor King and his Council, as well as with several other gentlemen upon each side of the matter in controversy. All agree that, so far as the people of Rhode Island are concerned, there is no danger of any further armed resistance to the legitimate authorities of the State. It was never intended, probably, by the majority of those called the suffrage party, to proceed, in any event, to violence; and when they found themselves pushed to such an extremity by their leaders, they deserted their leaders, and are now every day enrolling themselves in the volunteer companies, which are being organized in every part of the State for the suppression of any further insurrectionary movements that may be made. A large majority of those elected or appointed to office under the people's constitution, (so called,) have resigned their places and renounced all allegiance to that constitution and the party which supports it; so that the insurgents are now without any such organization as would enable them to carry out their original purposes, if they otherwise had the power.

Governor King and his Council alone, of all the intelligent persons with whom I have consulted, fear an irruption upon them of an armed force to

be collected in other States; and this is the only difficulty of which they now have any apprehension. This fear is excited by the boasts, frequently made by the few who still avow their determination to adhere to the constitution, that they have at their control large bodies of armed men, as well as camp equipage, provisions, money, and munitions of war, which have been provided for them in Massachusetts, Connecticut, and New York. The supposition that Rhode Island is to be invaded by a foreign force, when that force would neither be led nor followed by any considerable number of the people of the State, does not seem (to say the least) to be a very reasonable one. If those who think they are suffering injustice are not disposed to make an effort to redress their supposed wrongs, they would hardly expect the work to be done by others.

The ostensible object of the insurgents now is not the real one. They meditate no further forcible proceedings. They bluster and threaten for several reasons:

1st. Because they suppose they shall thus break their fall a little, and render their retreat a little less inglorious than it would be if they should beat it at once.

2d. They believe that if they keep up a show of opposition to the existing government, they shall be more likely to revolutionize it by peaceable measures; and

3d. They think they can make their influence so far felt, as to operate favorably upon those who are now under arrest for treason, or who may be hereafter arrested for the same offence.

That these are the views and purposes of the insurgents, I am confidentially assured by the notorious individual from whom, I told you, I could learn their plans and designs; and no one has better means of knowing than he, having been himself one of Mr. Dorr's confidential advisers from the beginning.

The meeting at Woonsocket, on the 1st, did not amount to much, being but thinly attended. The projected fortifications at that place have been abandoned. It is said they will be thrown up in some other spot, to be designated hereafter; but this is not believed.

Mr. Dorr is now understood to be lurking in this city. Warrants have been issued for his arrest, both by the Governor of this State and the Governor of Massachusetts; but he moves so privately, and shifts his whereabouts so often, that he eludes his pursuers.

Under all the circumstances, I think you will come to the opinion entertained by seven-eighths of all the people of Providence, (the scene of his operations thus far,) that, deserted by his followers at home, and disgraced in the estimation of those who sympathized with him abroad, Mr. Dorr has it not in his power to do any further serious mischief.

Yours, very truly,

———— ————.

Hon. Daniel Webster,
*Secretary of State.*

---

No. 20.

Providence, R. I., *June* 22, 1842.

Sir: When I last had the honor to write to you, I felt confident that there would be no further disturbance of the peace in this State. Governor

King was of the same opinion. But I now fear, from strong indications, that Mr. Dorr and his party are determined to enter the State in force; and that, in a few days, serious difficulties will arise.

On my arrival here this morning from Newport, on my way to New York, I learned from undoubted authority that several large boxes of muskets, supposed to contain about eighty, were received the evening before last, at Woonsocket, from New York; that several mounted cannon had also been received there, and forwarded on to Chepachet; that a number of men, not citizens of the State, with arms, were in and about Woonsocket and Chepachet; that forty-eight kegs of powder were stolen on Sunday night last from a powder-house in this neighborhood; and that Dorr, with about twenty men, landed last evening at Norwich.

An unsuccessful attempt was made, two nights ago, to steal the guns of the artillery company at Warren, and at several other places where guns had been deposited by the State, by some of Dorr's men—one of whom has been identified and arrested.

It has been observed, for several days past, that many of the suffrage party, and residents of this city, have been sending off their families and effects. The inhabitants of the city are seriously alarmed, and in a state of much excitement. An express to convey the above intelligence to Governor King, at Newport, will be immediately sent down by the mayor of the city.

I shall be in New York early to morrow morning, ready to receive any instructions you may think proper to honor me with.

I have been compelled to write this in haste.

I am, sir, with great respect, your obedient servant,

JAS. BANKHEAD,
*Colonel 2d Regiment of Artillery.*

Hon. J. C. SPENCER,
*Secretary of War.*

---

No. 21.

JUNE 26, 1842.

DEAR SIR: The rumor of this morning I have ascertained to be a fact—that 48 kegs of *gunpowder* were stolen from a private magazine last night

In haste, respectfully,

E. J. MALLETT.

Hon. C. A. WICKLIFFE.

---

No. 22.

CITY OF PROVIDENCE,
*Mayor's Office, June* 23, 1842.

SIR: Gov. King, having gone to Newport this afternoon, has requested me to forward his letter to your excellency, with such depositions as I could procure concerning the state of affairs in the north part of the State. These documents will be taken on by the Hon. Wm. Sprague, our Senator, who

intends leaving to-night for Washington. Should any accident prevent Mr. Sprague from going, I shall forward them to be put in the mail. I enclose the depositions of Messrs. Samuel W. Peckham and Charles J. Harris. Messrs. Keep and Shelley, whom I sent out, have just returned. If I can get their depositions in time, I shall also forward them.

About 11, a. m., this day, a body marched from Woonsocket to Chepachet, amounting to 90 men, and other small bodies are marching in that direction; so that I suppose that about 400 will be concentrated at Chepachet this evening.

In this city there is much excitement, but no symptoms, as yet, of men gathering with arms. There are many who, I fear, will be ready to join in any mischief, should Dorr's forces approach us. Up to 8 o'clock this morning Mr. Dorr was in Connecticut, but a gentleman from Chepachet informs me his friends expect him this day.

I remain, with great respect, your obedient servant,

THOMAS M. BURGESS, *Mayor.*

To the PRESIDENT OF THE UNITED STATES.

---

EXECUTIVE DEPARTMENT,
*Providence, June* 23, 1842.

SIR: After my last communication, the excitement and military operations of the insurgents against the government of this State appeared to subside, and I indulged hopes that no open violence would be attempted, but that they were disposed to await the action of the General Assembly, now in session at Newport. I regret that I am obliged to inform your excellency that, within a few days past, appearances have become more alarming. Several iron cannon have been stolen from citizens of Providence; and during the night of the 19th, a powder house, owned by a merchant of Providence, was broken open, and about twelve hundred pounds of powder stolen therefrom. Yesterday the military operations of the insurgents became more decided in their character. At Woonsocket and Chepachet there were gatherings of men in military array, pretending to act under the authority of Thomas W. Dorr. They established a kind of martial law in those villages; stopped peaceable citizens in the highways; and at Chepachet four citizens of Providence were seized by an armed force, pinioned, and compelled to march about ten miles, under a guard of about forty men, to Woonsocket, where they were cruelly treated, under pretence of being spies. The insurgents are provided with cannon, tents, ammunition, and stores.

It is ascertained that Thomas W. Dorr has returned from the city of New York to the State of Connecticut, and I have reason to believe he will be at Chepachet this day, where he will concentrate what forces he has already under arms, with such others as he can collect. Those already assembled are composed of citizens of other States, as well as of our own, and are variously estimated at 500 to 1,000 men.

I have this morning had an interview with Col. Bankhead, who will communicate to the War Department such facts as have come to his knowledge.

I would further state to your excellency, that in those villages, and their vicinity, the civil authority is disregarded and paralyzed.

Under these circumstances, I respectfully submit to your excellency that

the crisis has arrived when the aid demanded by the Legislature of the State from the Federal Government is imperatively required, to furnish that protection to our citizens from domestic violence, which is guarantied by the constitution and laws of the United States.

I confidently trust that your excellency will adopt such measures as will afford us prompt and efficient relief.

I remain, with great consideration, your obedient servant,

SAMUEL W. KING.

His Excellency JOHN TYLER,
*President of the United States.*

---

No. 23.

WASHINGTON, *June* 25, 1842.

SIR: Your letter of the 23d instant was this day received by the hands of Gov. Sprague, together with the documents accompanying the same. Your excellency has unintentionally overlooked the fact that the Legislature of Rhode Island is now in session. The act of Congress gives to the Executive of the United States no power to summon to the aid of the State the military force of the United States, unless an application shall be made by the Legislature, if in session; and that the State Executive cannot make such application, except when the Legislature cannot be convened. (See act of Congress, February 28, 1795.)

I presume that your excellency has been led into the error of making this application, (the Legislature of the State being in session at the date of your despatch,) from a misapprehension of the true import of my letter of 7th May last. I lose no time in correcting such misapprehension, if it exist.

Should the Legislature of Rhode Island deem it proper to make a similar application to that addressed to me by your excellency, their communication shall receive all the attention which will be justly due to the high source from which such application shall emanate.

I renew to your excellency assurances of high consideration,

J. TYLER.

Governor KING.

---

No. 24.

I, Samuel W. Peckham, of Providence, in the county of Providence, State of Rhode Island, on oath, depose and say: On the evening of 22d of June, at the request of Edward Carrington, one of the Executive Council, I went, in company with Charles F. Harris, to the village of Chepachet, to see what movements, if any, were making by the insurgents, and to report the same to the Governor and Council. We arrived at the edge of the village just before 2 o'clock on the morning of the 23d instant. As we came to the corner turning down into the village, we observed a man on horseback approaching us, who wheeled round, and went in an opposite direction. We had not proceeded far, when some one hailed: "Who comes there?" Harris answered, "a friend." The man who hailed, or his companion, approach-

ed us, and said, "two damned landholders," and said something about spies. This man appeared to be one of an armed company of about 30 men, a part of whom were directly in front of us. We were ordered to get out of the carriage, and asked if we had any arms, and were compelled to give up a pair of small pocket pistols. We were then ordered to place ourselves between the files of the company of armed men, and were marched up into the village to a barn, where we found other men engaged in binding the arms of two others, (Messrs. Keep and Shelley,) who were bound to Killingly, Conn. These gentlemen belong in Providence, and are members of the National Cadet company. They told us that they were seized as they were hitching their horse under a shed. After Shelley and Keep were pinioned, the men ordered that we should be served likewise; the cord being passed across each arm, and drawn tight first above the elbow. When the man was tying Harris, he kicked him severely several times, and swore at him. Having secured the four in this manner, we were placed in the midst of the armed body of men, followed by a large cannon drawn by two horses, with the muzzle pointed in the rear, and marched to Woonsocket Falls, a distance of twelve miles. During the first half of the march the men seemed to be in great haste, expecting, as they said, 800 men would overtake them from Providence. Mr Shelley, being a fleshy man, and subject to attacks of pleurisy, could not walk so fast as the party, and they repeatedly pricked him with a bayonet. When about half the distance between Chepachet and Woonsocket, the cords about our arms were loosened, being so very tight that Mr. Keep's hands were black and blue. We arrived in Woonsocket before 6 o'clock this morning, and were carried to a hill on the western side of the village, near the spot where appeared to be the headquarters of the insurgents. We drew up in line, and the cannon was discharged two or three times; and there seemed to be between two and three hundred of the insurgents who had exclusive possession of this part of the village. Previous to our entry, the cannon, before referred to, had been discharged of its contents. After remaining on this hill about half an hour in the wet grass, Major Allen (as he was called) invited us down into a barn into the village, which seemed to be used by the insurgents as an arsenal. I should have mentioned that Mr. Shelley having become so much exhausted during the march, they were compelled to put him into their wagon containing their ammunition. In this barn men were employed making cartridges for guns; and also observed there musket cartridges and kegs, which contained powder. Seeing some hay in the loft, we climbed up there and lay down. Several of the men came up and conversed with us.

B. G. West, one of the company who escorted us from Chepachet, came and said that we would probably be released, as the suffrage party were dissatisfied somewhat with the movement. About half-past 8 o'clock this morning we were released, they having previously given us some coffee and pie. The officers appeared to be anxious to get us out of the way of their men, and asked if we did not wish a guard to get through the village, intimating that we might be re-captured. During the conversation with West, he told us that there would be 2,000 men in Woonsocket and Chepachet before sunset; some of them were on their way. He also said that five cannon were expected from New York, and that the insurgents had selected a site for a fortification. When on the hill in Woonsocket, we were insulted by the men and boys. West said that nothing short of putting out the "people's constitution" (so called) would satisfy Dorr and his party, and

also the repeal of the Algerine law, (so called;) and from the declarations and movements of West, and the men associated with him, it is their determination to maintain their constitution, or die in the attempt.

While on the road, Mr. Shelley asked for water, and they refused him.

SAMUEL W. PECKHAM.

PROVIDENCE, *ss:*

In Providence, this 23d day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN, *Justice Peace.*

—

I, Charles F. Harris, of Providence, in the county of Providence, on oath depose and say: Having just read the deposition of Samuel W. Peckham, I fully confirm all the statements made by him. In addition thereto, I would state, that in passing from Chepachet to Woonsocket, we met a doctor, as the men called him: I supposed him to be a Doctor Ballou, who lives in Woonsocket. He stopped his sulkey, and the officers came about him. They had some conversation, (a part of which I heard,) to this effect. The doctor said, "We have five cannon at Chepachet;" and one of the officers (Allen, I think it was) said, "Send them over with horses;" to which he replied, "I will." I heard West say that Dorr was coming to Rhode Island, and would lay his bones here, and would not be driven out of it again by any one. I have been in many distant parts of this country, and have seen the worst descriptions of men; but I must add, that a more desperate and blood-thirsty gang I never met with, than those who escorted us from Chepachet to Woonsocket.

CHARLES F. HARRIS.

PROVIDENCE, *ss.*

In Providence, this 23d day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN, *Justice Peace.*

—

I, Charles J. Shelley, of Providence, in the county of Providence, on oath depose and say: The facts as given in the deposition of Mr. Peckham are all true, from the time I fell in with Mr. Peckham at Chepachet. And in addition to what Mr. Peckham has stated, I would say, I left Woonsocket after being released, at half past ten o'clock this morning. I went to Chepachet, where my carriage was, in company with a Mr. Chase. From 80 to 100 armed men, commanded by West and Allen, (as referred to in Mr. Peckham's deposition,) started from Woonsocket for Chepachet, and, on the road, the number increased to some 300. We arrived in Chepachet, took our horse and carriage, and started for Providence, where we arrived safe and exhausted. At the place of rendezvous I observed a number of wagons filled with calves and lambs.

CHARLES J. SHELLEY.

—

I, John C. Keep, of Providence aforesaid, on oath depose and say: That all the facts as stated by Messrs. Peckham, Harris, and Shelley, are strictly true; and, in addition to their statements, I would say, that after we were released, I rode on a wagon to Chepachet, (where we had left our horse and

carriage,) with Mr. Read, one of the officers commanding the insurgents. Read said that if the Legislature, at its present session, should extend suffrage, it would make no difference to them; they should still go on, and nothing short of their constitution would satisfy them. They expected a force of 2,000 collected within 48 hours. Their determination was to come to Providence, send a flag of truce, and, if not obeyed, to bombard the city; that they should keep enough of their men to set fire to the city. I saw among the insurgents' ranks men whom I knew to belong to the city of New York. Read also said that, at a private signal given, men would come to their assistance from Connecticut. A more desperate set of men I never before fell in with.

JOHN C. KEEP.

PROVIDENCE, *ss.*

In Providence, this 23d day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN,
*Justice of the Peace.*

---

No. 25.

NEW YORK, *June* 23, 1842.

SIR: Colonel Bankhead has instructed me to inform you that, while on his way to New York, yesterday, he was met at Stonington by the Governor of Rhode Island, who had crossed over from Newport, for the purpose of communicating with him.

After this interview, Colonel Bankhead resolved to return to Newport. He ordered me to give you this information, having stated in his letter of yesterday that he should be at New York this morning, and not having time before the boat left Stonington to write you himself.

With great respect, I am, your obedient servant,

E. D. TOWNSEND,
*1st Lieut., Adjutant 2d Artillery.*

HON. JOHN C. SPENCER,
*Secretary of War.*

---

No. 26.

PROVIDENCE, R. I., *June* 23, 1842.

SIR: I addressed you yesterday afternoon, in great haste, that my letter might go by the mail, (then about being closed,) to inform you of the sudden change in the aspect of affairs in this State; and also to inform you that I should be this morning at Governor's island, New York.

At the urgent solicitation of Governor King, who crossed over from Newport to Stonington to intercept me on the route, I returned last night to this place from Stonington, having proceeded so far on my way to New York.

In addition to what I stated in my letter yesterday, I learn from Governor King, (who has just called on me,) that four citizens of this city, who had gone to Chepachet to ascertain what was going on there, were arrested as spies, by the insurgents, bound, and sent last night to Woonsocket, where

they were confined when his informant left there, at 8 o'clock this morning; also that martial law had been proclaimed by the insurgents, at Woonsocket and Chepachet, and no one was allowed to enter or depart from either place, without permission.

The citizens of this city are in a state of intense excitement.

I shall return to morrow to Newport, to await any instructions you may be pleased to favor me with.

I have the honor to be, sir, with great respect, your obedient servant,

JAS. BANKHEAD,
*Colonel 2d Regt. Artillery.*

Hon. JOHN C. SPENCER,
*Secretary of War.*

---

No. 27.

PROVIDENCE, R. I., *June* 23, 1842.

SIR: I left Newport yesterday morning, to return to Fort Columbus, with the belief that my presence could no longer be necessary for the purpose I had been ordered there for. The Legislature was in session, and, as I was well assured, determined honestly and faithfully to adopt measures to meet the wishes of the citizens of this State, to form a constitution on such liberal principles as to insure full satisfaction to all patriotic and intelligent men, who had any interest in the welfare of the State. The well-known intention of the Legislature, in this respect, would, I hoped and believed, reconcile the factious and produce tranquillity. But the aspect of affairs has suddenly become more threatening and alarming. There is an assemblage of men at Woonsocket and Chepachet, two small villages (say fifteen miles distant hence) on the borders of Connecticut, composed principally of strangers, or persons from other States. They have recently received seventy-five muskets from Boston, and eighty from New York, in addition to former supplies. They have also several mounted cannon and a large quantity of ammunition; forty-eight kegs of which they stole from a powder-house, not far distant from this—the property of a manufacturer of powder. Dorr, it is supposed, joined his party at one of the above-named places the night before last; he has certainly returned from New York, and passed through Norwich. His *concentrated* forces are variously estimated at from five hundred to a thousand men.

I had proceeded thus far yesterday afternoon, on my return to New York, and had taken my seat in the cars for Stonington, when an express from Governor King, who was at Newport, overtook me, to request that I would not leave the State;—too late, however, for me then to stop here, as the cars were just moving off. On getting to Stonington I there found Governor King, who had crossed over from Newport to intercept me; and, at his solicitation, I at once returned with him last night, in an extra car, to this place. Not then having a moment's time to write you, as the steamboat left immediately on the arrival of the cars at Stonington, I sent my adjutant on in the boat, with directions to report to you the fact and the cause of my return.

I had written thus far, when the Governor called on me, and has informed me that four citizens of this State, who had gone to Chepachet to

ascertain the exact state of affairs there, were arrested as spies, bound, and sent last night to Woonsocket, where, two hours ago, they were still in confinement. Martial law has been declared in Chepachet and Woonsocket, and no one allowed to enter or depart without permission. I yesterday afternoon wrote to the Secretary of War, (as I had been directed,) in great haste, however, to send by the mail, to inform him of the sudden change in the aspect of affairs here; in which letter I stated that I should be at Governor's island this morning. As I, of course, then did not contemplate to the contrary, I beg you will do me the favor to acquaint him with the cause of my return.

I can only add that the citizens of this place are in a state of intense anxiety and excitement. I remain here to-day, at the special request of several who have just left me. To morrow I shall return to Newport, to await any communication from you.

I am, sir, very respectfully, your obedient servant,

JAS. BANKHEAD,
*Colonel 2d regiment of artillery.*

Brigadier General R. Jones,
*Adjutant General U. S. army.*

---

No. 28.

Providence, R. I., *June* 27, 1842.

Sir: As there was no mail yesterday from this, I could make no report to the Major General commanding, of the military movements in this quarter up to that time. Since my last letter to you, most of the volunteers and other military companies called out by the Governor have assembled here, to the amount of about 2,000 men. The force of the insurgents, under the immediate direction of Mr. Dorr, and concentrated at Chepachet, is estimated at from 800 to 1,000 men armed with muskets, about fifteen hundred without arms, and 10 or 12 cannon mounted.

It seems to be impossible to avoid a conflict between the contending parties, without the interposition of a strong regular force.

The State force here can defend this city, and it might successfully attack the insurgent force at Chepachet; but there would be danger in leaving the city without adequate means of protection to it, as there is, doubtless, a large number within the city with concealed arms, ready to commence hostilities.

The position taken by Dorr's troops at Chepachet is naturally strong, and has been much strengthened by intrenchments, &c.; it would, therefore, be highly imprudent to make the attack, even if no secret foes were left behind within the city, without a positive certainty of success; and, with the aid of a few disciplined troops, a defeat there would be ruinous and irreparable.

A force of 300 regular troops would insure success, and probably without bloodshed.

I am, sir, very respectfully, your obedient servant,

JAS. BANKHEAD,
*Colonel 2d regiment of artillery.*

[The above letter was addressed to Brigadier General R. Jones, Adjutant General U. S. army.]

No. 29.

WASHINGTON, *June* 27, 1842.

SIR: The intelligence from Rhode Island, since the call was made on you by the Senators from that State, is of a character still more serious and urgent than that then communicated to you by Mr. Sprague, who was charged with communications to your excellency from Governor King. We are informed that a requisition was made upon the Government of the United States by the Governor of Rhode Island, pursuant to resolutions passed by the General Assembly of that State, when in session in May last, calling for a proclamation against those engaged in an armed rebellion against the Government of Rhode Island, and for military aid in suppressing the same; that your excellency replied to Governor King, that, in the opinion of the Executive, the force arrayed against the Government of the State was not then such as to warrant immediate action on his part; but that your excellency, in your reply, proceeded to say "if an exigency of lawless violence shall actually arise, the Executive Government of the United States, on the application of your excellency, under the authority of the resolutions of the Legislature already submitted, will stand ready to succor the authorities of the State in their efforts to maintain a due respect for the laws." Whereby it was understood that, in the event of the assembling of such an armed force as would require the interference contemplated by the constitution and laws of the United States, the Executive of the United States, upon being duly notified of the fact by the Governor of the State, would act upon the requisition already made by the Legislature, without further action on the part of that body.

We understand that, upon this notice being given through the communications handed you by Mr. Sprague on Saturday, containing proof of the existence and array of a large body of armed men within the State of Rhode Island, who had already committed acts of lawless violence, both by depredating largely upon property in various parts of the State, and by capturing and confining citizens, as well as owning and manifesting a determination to attack the constituted authorities, you considered that it was desirable that this communication should have been accompanied with a further resolution of the General Assembly, authorizing the Governor to act in this instance, from the fact that the Assembly was then in session by adjournment.

It is the purpose of this communication respectfully to state that we conceive the existing circumstances call for the immediate action of the Executive, upon the information and papers now in its possession.

The meeting of the Legislature, during the last week, was by adjournment; it is in law regarded as the May session of the General Assembly, and can be regarded in no other light than if it had been a continuous session of that body, held from day to day by usual adjournments. Had this last been the case, it cannot be conceived that new action on its part would have been required to give notice of any movements of hostile forces, engaged in the same enterprise which was made known to the Executive by its resolutions of May last.

Our intelligence authorizes us to believe that a multitude of lawless and violent men, not citizens of Rhode Island, but inhabitants of other States, wickedly induced by pay and by hopes of spoil, and perhaps instigated also by motives arising from exasperation, on the part of their instigators

and of themselves, at the course heretofore indicated in this matter by the Executive Government of the Union, have congregated themselves, and are daily increasing their numbers, within the borders of our State, organized, armed, and arrayed in open war upon the State authorities, and ready to be led, and avowedly about to be led, to the attack of the principal city of the State, as part of the same original plan to overthrow the government; and that, in the prosecution of this plan, our citizens have reason to apprehend the most desperate and reckless assaults of ruffianly violence upon their property, their habitations, and their lives.

We beg leave to refer you, in addition, to a letter which we understand was received yesterday by General Scott from Colonel Bankhead, detailing some information in his possession.

We therefore respectfully request an immediate compliance, on the part of the Executive, with the requisition communicated in the papers from Governor King, as the most effectual, and, in our opinion, the only measure that can now prevent the effusion of blood and the calamities of intestine violence, if each has not already occurred.

We are, with the highest respect, your excellency's obedient servants,

JAMES F. SIMMONS.
WM. SPRAGUE.
JOSEPH L. TILLINGHAST.

The PRESIDENT OF THE UNITED STATES.

---

No. 30.

WASHINGTON, *June* 29, 1842.

SIR: From the official communication of Colonel Bankhead to you, this day laid before me, it is evident that the difficulties in Rhode Island have arrived at a crisis which may require a prompt interposition of the Executive of the United States to prevent the effusion of blood. From the correspondence already had with the Governor of Rhode Island, I have reason to expect that a requisition will be immediately made by the Government of that State for the assistance guarantied by the constitution to protect its citizens from domestic violence. With a view to ascertain the true condition of things, and to render the assistance of this Government (if any shall be required) as prompt as may be, you are instructed to proceed to Rhode Island, and, in the event of a requisition being made on the President in conformity with the laws of the United States, you will cause the proclamation herewith delivered to be published. And should circumstances in your opinion render it necessary, you will also call upon the Governors of Massachusetts and Connecticut, or either of them, for such number and description of the militia of their respective States as may be sufficient to terminate at once the insurrection in Rhode Island. And, in the mean time, the troops in the vicinity of Providence may with propriety be placed in such positions as will enable them to defend that city from assault.

JOHN TYLER.

The SECRETARY OF WAR.

No. 31.

*Extract of a letter from the Hon. Elisha R. Potter to the President, October 2, 1842.*

"Our convention has adjourned, having completed a constitution, which will be published in a few days, and of which I will immediately forward a copy to your excellency. The suffrage is based on taxation and military service, and the representation in one branch of the Legislature to be strictly popular."

—

*Extract from the President's reply, dated October 28, 1842.*

"I hope, and shall most sincerely rejoice, that the constitution now tendered to the people may serve to content them. Those who are in favor of the most extensive reform should remember that the only mode to reach the summit of a mountain is by mounting step by step. The progress of public opinion is slow, but sure; and no great reform was ever accomplished in a day."

---

No. 32.

CITY OF PROVIDENCE, *January* 13, 1842.

SIR: In compliance with a vote of the people's convention late in session in this city, the undersigned have the honor herewith to enclose to your excellency a copy of the constitution, as adopted by the citizens of this State, and of the report of the committee of said convention upon the votes given in therefor; and, also, a copy of the resolutions of the convention declaratory of its adoption; and respectfully request your excellency that the same may be communicated to the two Houses of the General Assembly.

We have the honor, sir, to be your obedient humble servants,

WILLIAM H. SMITH, } *Secretaries.*
JOHN S. HARRIS, }

His Excellency SAMUEL W. KING, *Governor.*

—

REPORT.

PROVIDENCE, *January* 13, 1842.

The undersigned, who were appointed on the 12th day of January, 1842, a committee of the people's convention, to examine and count the votes upon the constitution proposed to the people by said convention, on the 18th day of November last, which said votes were given in on the 27th day of December last, and on the five subsequent days, report that they have attended to the duty of their appointment, and they present to the convention the following statement of the result:

*County of Providence.*

| | Freemen. | Non-freemen. | Total. |
|---|---|---|---|
| Providence— | | | |
| First ward | 162 | 362 | 524 |
| Second ward | 90 | 281 | 371 |
| Third ward | 165 | 472 | 637 |
| Fourth ward | 142 | 357 | 499 |
| Fifth ward | 245 | 519 | 764 |
| Sixth ward | 255 | 506 | 761 |
| | 1,059 | 2,497 | 3,556 |
| Smithfield | 382 | 956 | 1,338 |
| Scituate | 208 | 316 | 524 |
| Gloucester | 195 | 207 | 402 |
| Cumberland | 294 | 598 | 892 |
| Cranston | 167 | 237 | 404 |
| Johnston | 141 | 206 | 347 |
| North Providence* | 214 | 469 | 683 |
| Foster | 124 | 114 | 238 |
| Burrillville | 149 | 134 | 283 |
| | 2,933 | 5,734 | 8,667 |

*County of Newport.*

| | | | |
|---|---|---|---|
| Newport | 319 | 883 | 1,202 |
| Portsmouth | 71 | 55 | 126 |
| New Shoreham† | 102 | 30 | 132 |
| Jamestown | 18 | 13 | 31 |
| Middletown | 8 | 22 | 30 |
| Tiverton | 102 | 172 | 274 |
| Little Compton | 19 | 25 | 44 |
| | 639 | 1,200 | 1,839 |

*County of Kent.*

| | | | |
|---|---|---|---|
| Warwick | 309 | 591 | 900 |
| East Greenwich | 50 | 85 | 135 |
| West Greenwich | 17 | 45 | 62 |
| Coventry | 157 | 249 | 406 |
| | 533 | 970 | 1,503 |

* The votes of five freemen and of three non-freemen given in favor of the constitution were rejected for informality of the return.

† Twenty-six additional votes for the constitution were given by twenty-two freemen and four non-freemen, of which no regular return was received.

*County of Bristol.*

| | Freemen. | Non-freemen. | Total. |
|---|---|---|---|
| Bristol - - | 152 | 214 | 366 |
| Warren - - | 103 | 107 | 210 |
| Barrington - - | 28 | 24 | 52 |
| | 283 | 345 | 628 |

*County of Washington.*

| | | | |
|---|---|---|---|
| Westerly - - | 107 | 144 | 251 |
| North Kingston - | 84 | 169 | 253 |
| South Kingston - | 138 | 137 | 275 |
| Charlestown - - | 64 | 36 | 100 |
| Exeter - - | 52 | 82 | 134 |
| Richmond - - | 44 | 88 | 132 |
| Hopkinton - - | 83 | 79 | 162 |
| | 572 | 735 | 1,307 |

RECAPITULATION OF THE COUNTIES.

| | Freemen. | Non-freemen. | Total. |
|---|---|---|---|
| Providence - - | 2,933 | 5,734 | 8,667 |
| Newport - - | 639 | 1,200 | 1,839 |
| Washington - - | 572 | 735 | 1,307 |
| Kent - - - | 533 | 970 | 1,503 |
| Bristol - - | 283 | 345 | 628 |
| | 4,960 | 8,984 | 13,944 |

The whole number of males in the State, over the age of 21 years, as nearly as can be ascertained by the census of the United States for the year 1840, is 26,142. Deduct at a moderate computation 3,000 persons who are not citizens of the United States over the age of 21 years and permanent residents, or who are excluded by being under guardianship, insane, or convict, and the remainder is 23,142, of whom a majority is 11,572. The constitution has received 873 votes more than one half of all those qualified to vote for said constitution by citizenship, age, and residence, as aforesaid, and an actual majority of 4,744. Deduct from 23,142, the whole number who voted for the constitution, (viz: 13,944,) and the remainder is 9,198; of whom 9,146 did not vote, and 52 voted against the constitution, viz: In Smithfield 2; North Providence 11; Tiverton 3; Little Compton 17; Westerly 1; South Kingston 10; Warwick 1; East Greenwich 6; and Warren 1.

Of the persons who voted, 4,960 are qualified voters under the existing laws of the State. The greatest number of votes ever polled by said voters was 8,622, at the presidential election in November, 1840; of this number, a majority of 1,298 have voted for the constitution—making, as your committee believe, a majority of all the freemen of the State.

The committee have found all the returns of the votes from the several

towns and wards to have been regularly made, and accompanied with lists of all persons voting, which enumerate the qualified voters, and those who are not. Every voter has signed his name upon his ticket; and the committee believe that both the voting and returns have been as regular and accurate as at any election ever held in the State.

A considerable number of votes were returned as having been given by freeholders who had not yet been admitted freemen; but they were, of course, counted with the non-freemen.

The committee report to the convention, as the result of their examination and count of the votes, that the constitution proposed to the people by said convention on the 18th day of November last, has been adopted by a large majority of the citizens over the age of 21 years, having their permanent residence in the State.

Wm. James, *Chairman.*
John R. Waterman,
Dutee J. Pearce,
David Daniels,
Oliver Chace, jr.,
Robert R. Carr,
Ariel Ballou,
Thomas W. Dorr,
Samuel T. Hopkins,
Alfred Reed,
Wm. C. Barker,
Abner Haskell,
Alexander Allen,
Willard Hazard,
Welcome Ballou Sagles,
Sylvanus Himes,
Israel Wilson,
Jonathan Rennington,
Christ. Smith,
Elisha G. Smith,
Samuel Luther,
Erasmus D. Campbell,
Nathan Burden,
Joshua R. Rathbun,
Nathan A. Brown,
Wm. H. Smith, } *Secretaries.*
John S. Harris, }

---

*Resolutions adopted by the People's Convention.*

Whereas, by the return of the votes upon the *constitution* proposed to the citizens of this State, by this convention, on the 18th day of November last, it satisfactorily appears that the citizens of this State, in their original and sovereign capacity, have ratified and adopted said constitution by a large majority; and the will of the people, thus decisively made known, ought to be implicitly obeyed, and faithfully executed:

*We* do, therefore, *resolve* and *declare*, that said constitution rightfully ought to be, and is, the paramount law and *constitution* of the State of *Rhode Island* and *Providence Plantations.*

And *we* do further *resolve* and *declare*, for ourselves and in behalf of the people whom we represent, that we will establish said constitution, and sustain and defend the same by all necessary means.

*Resolved*, That the officers of this convention make proclamation of the return of the votes upon the constitution, and that the same has been adopted and has become the constitution of this State; and that they cause said proclamation to be published in the newspapers of the State.

*Resolved*, That a certified copy of the report of the committee appointed to count the votes upon the constitution, and of the constitution, and of the resolutions, be sent to his excellency the Governor, with a request that he communicate the same to the two Houses of the General Assembly.

A true copy:

WILLIAM H. SMITH, } *Secretaries.*
JOHN S. HARRIS, }

No. 33.

I, Charles T. Martin, of Providence, in the county of Providence and State of Rhode Island, on oath depose and say: By request of the Governor and Council on the night of June 23d, I went as a scout towards Chepachet village. We proceeded as far as we could, until we met a line of sentries about two miles this side of the village. We turned about and gathered all the information we could, from persons who had been in the village. We learned that there were four boxes of muskets just arrived. The force of the insurgents was estimated at that time to be 500, under command of one Isaac B. Allen. They had collected, among other things, 200 bushels of potatoes, which were sold to Amasa Eddy, jr., the Lieutenant Governor under the people's constitution, by our informant. He also said that they had collected beef and other provisions. Just before daylight this morning, while at a tavern some three miles from Chepachet, a man came up the road with a gun, and we went out and hailed him, and he immediately aimed his gun. We heard steps behind us, and looked round, and some half dozen men with guns came up and ordered us to make off, at the same time their guns all cocked and aimed at us, and threatened to shoot if we did not retire. We stood in line—that is, Messrs. Pond, Hartshorn, Kendall, and myself, who all went in company. We drew our pistols, and determined to exchange shots, and, after some consultation among themselves, the rebels concluded to pass on.

CHAS. T. MARTIN.

PROVIDENCE, *ss.*

In Providence, this 24th day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN,
*Justice of the Peace.*

—

I, John F. Pond, of Providence, in the county of Providence and State of Rhode Island and Providence Plantations, of lawful age, depose and say: That I went out as one of a scout, with Charles T. Martin, Hartshorn, and Kendall; and I confirm all the statements made by Mr. Martin, except as to the distance at which we were from Chepachet; being more familiar with the road, I should say we did not go within four and a half miles from the village.

JOHN F. POND.

PROVIDENCE, *ss.*

In Providence, this 24th day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN,
*Justice of the Peace.*

—

I, William S. Slater, of Providence, in the county of Providence and State of Rhode Island, of lawful age, depose and say: On the 24th of June, being in company with Edward D. Pearce, who had professional business with Colonel Samuel Y. Atwell, I went to the village of Chepachet. When I arrived near Mr. Atwell's house, I observed a guard of 30 men, and drove up to Mr. Atwell's house. Immediately the guard closed up, and the captain directed them to take myself and companion prisoners. They escorted us to

the tavern, where a room was provided, the door locked, and a sentinel placed over us. Being satisfied, after some detention, that we had come to see Mr. Atwell on private business, we were released.

The insurgents have selected a high hill just at the entrance of the village for an encampment, and are now engaged in raising embankments. It is a formidable position, and their forces are increasing constantly. We were told that Dorr was expected there to-morrow to review the troops, and that an accession of strength is expected daily.

WM. S. SLATER.

CITY OF PROVIDENCE, *ss.*

Then personally appeared before me William S. Slater, and made oath to the preceding deposition by him signed.

THO. M. BURGESS,
*Mayor of the city of Providence.*

JUNE 24, 1842.

---

No. 34.

*Statement showing the number of troops stationed at Fort Adams, Rhode Island, during the months of April, May, June, and July*, 1842.

| | |
|---|---|
| In April, the regular garrison of Fort Adams consisted of two companies of artillery—10 officers and 109 enlisted men. Aggregate - | 119 |
| May 2d, the garrison was reinforced by two companies of artillery from Fort Columbus, making four in all, and consisting, at the end of May, of 21 officers and 281 enlisted men. Aggregate - | 302 |
| June 17th, two companies left the post, and June 20th, one company (of mounted artillery) joined ; making the garrison, at the end of the month, three companies of artillery, consisting of 13 officers and 177 enlisted men. Aggregate - - - - | 190 |
| July 2d, one company of mounted artillery joined the post, making four companies in all, (two mounted,) consisting, at the end of the month, of 22 officers and 247 enlisted men. Aggregate - - | 269 |

ADJUTANT GENERAL'S OFFICE,
*April* 8, 1844.

L. THOMAS,
*Assistant Adjutant General.*

---

[Confidential.]

HEADQUARTERS OF THE ARMY,
*Adjutant General's Office, Washington, April* 11, 1842.

SIR: If there be a depot of arms and ammunition belonging to the United States at Fort Wolcott, or other exposed position in the vicinity of Fort Adams, Major General Scott wishes you to take measures, quietly, to prevent such depot from being seized by improper persons. Not being at his office, he has no means of *inquiring* or ascertaining, at the moment,

whether there be such depot, and whether you have a guard at Fort Wolcott.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,
*Assistant Adjutant General.*

Major M. M. PAYNE, *Commanding, &c. &c.,*
*Fort Adams, Rhode Island.*

---

[Confidential.]

HEADQUARTERS OF THE ARMY,
*Adjutant General's Office, Washington, April* 25, 1842.

SIR: I am instructed by Major General Scott to direct that you will immediately cause two of the companies of your garrison to be filled up with effective men out of the 3d, and embark the former, as soon as practicable, for Governor's island, harbor of New York. If a vessel can be immediately procured by the quartermaster of the post, for the conveyance of the two companies to their destination by sea, you will instruct him to engage such transportation; but if there be any probability of delay in proceeding *outside*, the detachment will take the inland route by steamboats and railroads.

It is desirable that you should personally accompany the detachment to New York, and be there by the 2d proximo On your arrival at New York, you will report to Colonel Bankhead.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,
*Assistant Adjutant General.*

Brevet Colonel A. C. W. FANNING,
*2d artillery, commanding Fort Monroe, Va.*

---

HEADQUARTERS OF THE ARMY,
*Adjutant General's Office, Washington, April* 25, 1842.

SIR: It is desirable that you should employ any means in your power to obtain accurate information as to the probability of a conflict between the two political parties now understood to be ready to resort to arms for the possession of the government of Rhode Island. Major General Scott directs that you take measures to get such information, and that you report daily, if possible, in duplicate—one copy to him (open) under cover to the Secretary of War, and the other copy to General Scott (sealed) under cover to Colonel Bankhead, New York.

An officer detached confidentially to Providence, with instructions to write directly as above, and inquiries daily made in Newport, &c., communicating the results as above, may be sufficient.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,
*Assistant Adjutant General.*

Major M. M. PAYNE,
*Commanding Fort Adams, R. I.*

[Highly confidential.]

HEADQUARTERS OF THE ARMY,
*Adjutant General's Office, Washington, April* 26, 1842.

SIR: In reference to my letter to you of yesterday, I am instructed by Major General Scott to desire you to hesitate much about sending an officer for the purpose of obtaining intelligence in Providence, and not to do so if you can obtain the services of any other discreet, intelligent citizen; because the purpose of the detached officer, whether in uniform or not, would be liable to be suspected—which might do much harm in the present excited state of public feeling in Rhode Island. Nevertheless, it is the wish of General Scott that you obtain, by all honorable means, the fullest intelligence possible on the great subject I presented to you yesterday, and to communicate the same daily to him (unsealed) under cover to the Secretary of War. Duplicates need not be sent to New York, as General Scott may not be there.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,
*Assistant Adjutant General.*

Major M. M. PAYNE, (or officer commanding,)
*Fort Adams, R. I.*

—

[Confidential.]

HEADQUARTERS OF THE ARMY,
*Adjutant General's Office, Washington, April* 26, 1842.

SIR: Two companies from Fort Monroe, under Colonel Fanning, have been ordered to repair immediately to Fort Columbus, to report to you. Before this detachment can arrive, you will receive further instructions from Major General Scott, under whose orders I am writing. He directs that you will immediately cause two companies in the harbor of New York to be filled up with effective men, out of the other two present, and to be held in readiness at Fort Columbus, with tents, for detached service.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,
*Assistant Adjutant General.*

Colonel J. BANKHEAD,
*Commanding 2d artillery, Fort Columbus, N. Y.*

—

[Confidential.]

ADJUTANT GENERAL'S OFFICE,
*Washington, April* 29, 1842.

SIR: Although Major General Scott is exceedingly desirous that you should meet the general court martial, of which Brigadier General Armistead is president, and which has been ordered to re-assemble at Savannah the 10th of the following month; yet he deems your presence at Fort Adams, during the next week, of still higher importance. The General-in-chief, therefore, desires that you immediately return to Fort Adams, and resume the command of that post for the present. Should, however, the danger of domestic violence in Rhode Island fortunately pass away by the 6th or 10th of the ensuing month, it is expected that you will proceed rapidly to Savannah; and, if necessary, the general court martial (of which

you are a member) will be instructed to wait six or ten days for your arrival.

I am, sir, very respectfully, your obedient servant,

R. JONES,
*Adjutant General.*

Major M. M. PAYNE,
*Commanding Fort Adams, R. I.*

—

[Confidential.]

ADJUTANT GENERAL'S OFFICE,
*Washington, May* 5, 1842.

SIR: The General-in-chief desires that you repair, individually, to Newport, R. I., and there remain until all appearance of domestic violence shall have disappeared. If necessary, further instructions will be communicated.

Immediately on your arrival at Newport, you will please to direct Major Payne to proceed to Savannah, there to serve as a member of the general court martial ordered to re-convene on the 10th inst., for the trial of Captain Howe, of the 2d dragoons.

I am, sir, very respectfully, your obedient servant,

R. JONES,
*Adjutant General.*

Colonel JAMES BANKHEAD,
*2d artillery, commanding Fort Columbus, N. Y.*

—

ADJUTANT GENERAL'S OFFICE,
*Washington, May* 28, 1842.

SIR: Your report of the 20th inst. has been duly received. Should you consider your presence no longer necessary at Newport, you will please to repair to your station at Fort Columbus.

I am, sir, very respectfully, your obedient servant,

R. JONES,
*Adjutant General.*

Colonel JAMES BANKHEAD,
*Commanding 2d artillery, Newport, R. I.*

—

ADJUTANT GENERAL'S OFFICE,
*Washington, June* 1, 1842.

SIR: Your report of your departure from Newport to Sackett's Harbor, as a member of a court martial, on the 29th May, has been received.

The General-in-chief directs that you *forthwith* return to Newport, R. I., where you will find instructions of importance, despatched by the Secretary of War on Sunday, the 29th.*

You will please to report the receipt of these instructions, and your arrival at Newport.

I am, sir, very respectfully, your obedient servant,

R. JONES,
*Adjutant General.*

Colonel JAMES BANKHEAD,
*2d artillery,* (under cover to commanding officer,)
*Sackett's Harbor, N. Y.*

* The letter containing the said instructions is dated the 28th May, 1842.

ADJUTANT GENERAL'S OFFICE,
*Washington, June* 2, 1842.

SIR: In forwarding you a copy of the order directing Colonel Bankhead to return forthwith to Newport, R. I., where important instructions from the Secretary of War await him, I am directed by the General in chief to express his disapprobation of the withdrawal of that officer from the station, and the special service to which he had been assigned by instructions from the headquarters of the army on this occasion.

I am, sir, very respectfully, your obedient servant,
R. JONES, *Adjutant General.*

Brigadier General JOHN E. WOOL,
*Commanding, &c., Troy, N. Y.*

—

[Extract.]

*General Orders,—No.* 33.

HEADQUARTERS OF THE ARMY,
*Adjutant General's Office, Washington, June* 2, 1842.

* * * * * * * *

4. With a view to united instruction in the higher manœuvres, the four light companies of artillery will be brought together in pairs, at points which furnish grounds the best suited for that purpose. Consequently, the light companies of the 3d and 4th artillery will constitute the permanent garrison of *Fort McHenry;* and the light companies of the 1st and 2d artillery, on being relieved, will proceed to *Fort Adams,* to constitute two of the four companies assigned as the permanent garrison of that post.

* * * * * * * *

By command of Major General Scott,
R. JONES, *Adjutant General.*

—

ADJUTANT GENERAL'S OFFICE,
*Washington, June* 6, 1842.

SIR: As the two light companies just ordered to Fort Adams are fully equipped, you will now please send to the Watertown arsenal the battery of brass guns, &c., recently furnished by the Ordnance Department for the post.

I am, sir, very respectfully, your obedient servant,
R. JONES, *Adjutant General.*

Col. J. BANKHEAD, or
*Commanding officer Fort Adams, Newport, R. I.*

—

ADJUTANT GENERAL'S OFFICE,
*Washington, July* 9, 1842.

SIR: In acknowledging the report of your return to Fort Columbus from Rhode Island, I am directed by the General-in chief to say, that, having

been sent to that State on special and confidential service, your return to New York without special authority is irregular, and not approved.

I am, sir, very respectfully, your obedient servant,

R. JONES, *Adjutant General.*

Col. J. BANKHEAD,
*2d artillery, Fort Columbus, N. Y.*

---

[Extract.]

ADJUTANT GENERAL'S OFFICE,
*Washington, June* 11, 1842.

SIR: * * * The two companies now at Fort Adams, to be replaced by two light companies, may wait for the arrival of the latter. * *

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
*Ass't Adj't General.*

Col. J. BANKHEAD,
*Commanding 2d artillery, Fort Adams, R. I.*

---

PRINTED DOCUMENTS AND NEWSPAPERS.

*Proposed constitution of the State of Rhode Island and Providence Plantations, as finally adopted by the people's convention, assembled at Providence on the 18th day of November*, 1841.

We, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for his blessing vouchsafed to the "lively experiment" of religious and political freedom here "held forth" by our venerated ancestors, and earnestly imploring the favor of his gracious Providence toward this our attempt to secure upon a permanent foundation the advantages of well-ordered and rational liberty, and to enlarge and transmit to our successors the inheritance that we have received, do ordain and establish the following constitution of government for this State:

ARTICLE I.

*Declaration of principles and rights.*

1. In the spirit and in the words of Roger Williams, the illustrious founder of this State, and of his venerated associates, we declare "that this government shall be a democracy," or government of the people, "by the major consent" of the same "only in civil things." The will of the people shall be expressed by representatives freely chosen, and returning at fixed periods to their constituents. This State shall be, and forever remain, as in the design of its founder, sacred to "soul liberty," to the rights of conscience, to freedom of thought, of expression, and of action, as hereinafter set forth and secured.

2. All men are created free and equal, and are endowed by their Creator with certain natural, inherent, and inalienable rights; among which are life, liberty, the acquisition of property, and the pursuit of happiness. Govern-

ment cannot create or bestow these rights, which are the gift of God; but it is instituted for the stronger and surer defence of the same, that men may safely enjoy the rights of life and liberty, securely possess and transmit property, and, so far as laws avail, may be successful in the pursuit of happiness.

3. All political power and sovereignty are originally vested in, and of right belong to, the people. All free governments are founded in their authority, and are established for the greatest good of the whole number. The people have therefore an inalienable and indefeasible right, in their original, sovereign, and unlimited capacity, to ordain and institute government, and in the same capacity to alter, reform, or totally change the same, whenever their safety or happiness requires.

4. No favor or disfavor ought to be shown in legislation toward any man, or party, or society, or religious denomination. The laws should be made not for the good of the few, but of the many; and the burdens of the State ought to be fairly distributed among its citizens.

5. The diffusion of useful knowledge, and the cultivation of a sound morality in the fear of God, being of the first importance in a republican State, and indispensable to the maintenance of its liberty, it shall be an imperative duty of the Legislature to promote the establishment of free schools, and to assist in the support of public education.

6. Every person in this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be done to his rights of person, property, or character. He ought to obtain right and justice freely and without purchase, completely and without denial, promptly and without delay, conformably to the laws.

7. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be the place to be searched, and the person or things to be seized.

8. No person shall be held to answer to a capital or other infamous charge, unless on indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger. No person shall be tried, after an acquittal, for the same crime or offence.

9. Every man being presumed to be innocent until pronounced guilty by the law, all acts of severity, that are not necessary to secure an accused person, ought to be repressed.

10. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted; and all punishments ought to be proportioned to the offence.

11. All prisoners shall be bailable upon sufficient surety, unless for capital offences, when the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety shall require it.

12. In all criminal prosecutions, the accused shall have the privilege of a speedy and public trial, by an impartial jury; be informed of the nature and cause of the accusation; be confronted with the witnesses against him; have compulsory process to obtain them in his favor, and at the public expense, when necessary; have the assistance of counsel in his defence, and be at liberty to speak for himself. Nor shall he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

13. The right of trial by jury shall remain inviolate, and in all criminal cases the jury shall judge both of the law and of the facts.

14. Any person in this State, who may be claimed to be held to labor or service, under the laws of any other State, Territory, or District, shall be entitled to a jury trial, to ascertain the validity of such claim.

15. No man in a court of common law shall be required to criminate himself.

16. Retrospective laws, civil and criminal, are unjust and oppressive, and shall not be made.

17. The people have a right to assemble in a peaceable manner, without molestation or restraint, to consult upon the public welfare; a right to give instructions to their Senators and Representatives; and a right to apply to those invested with the powers of government for redress of grievances, for the repeal of injurious laws, for the correction of faults of administration, and for all other purposes.

18. The liberty of the press being essential to the security of freedom in a State, any citizen may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, spoken from good motives, and for justifiable ends, shall be a sufficient defence to the person charged.

19. Private property shall not be taken for public uses without just compensation, nor unless the public good require it; nor under any circumstances, until compensation shall have been made, if required.

20. The military shall always be held in strict subordination to the civil authority.

21. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in manner to be prescribed by law.

22. Whereas Almighty God hath created the mind free, and all attempts to influence it by temporal punishments, or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness: and whereas a principal object of our venerated ancestors in their migration to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil State may stand, and be best maintained, with full liberty in religious concernments: We therefore DECLARE, that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor be enforced, restrained, molested, or burdened in his body or goods, nor disqualified from holding any office, nor otherwise suffer on account of his religious belief; and that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion; and that the same shall in nowise diminish, enlarge, or affect their civil capacities; and that all other religious rights and privileges of the people of this State, as now enjoyed, shall remain inviolate and inviolable.

23. No witness shall be called in question before the Legislature, nor in any court of this State, nor before any magistrate or other person authorized to administer an oath or affirmation, for his or her religious belief, or opinions, or any part thereof; and no objection to a witness, on the ground of his or her religious opinions, shall be entertained or received.

24. The citizens shall continue to enjoy and freely exercise all the rights of fishery, and privileges of the shore, to which they have been heretofore entitled under the charter and usages of this State.

25. The enumeration of the foregoing rights shall not be construed to impair nor deny others retained by the people.

ARTICLE II.

*Of electors and the right of suffrage.*

1. Every white male citizen of the United States, of the age of twenty-one years, who has resided in this State for one year, and in any town, city, or district of the same for six months, next preceding the election at which he offers to vote, shall be an elector of all officers who are elected, or may hereafter be made eligible by the people. But persons in the military, naval, or marine service of the United States, shall not be considered as having such established residence, by being stationed in any garrison, barrack, or military place in any town or city in this State.

2. Paupers and persons under guardianship, insane, or lunatic, are excluded from the electoral right; and the same shall be forfeited on conviction of bribery, forgery, perjury, theft, or other infamous crime, and shall not be restored unless by an act of the General Assembly.

3. No person who is excluded from voting, for want of the qualification first named in section first of this article, shall be taxed, or be liable to do military duty; provided, that nothing in said first article shall be so construed as to exempt from taxation any property or persons now liable to be taxed.

4. No elector who is not possessed of, and assessed for ratable property in his own right, to the amount of one hundred and fifty dollars, or who shall have neglected or refused to pay any tax assessed upon him, in any town, city, or district, for one year preceding the town, city, ward, or district meeting at which he shall offer to vote, shall be entitled to vote on any question of taxation, or the expenditure of any public moneys in such town, city, or district, until the same be paid.

5. In the city of Providence, and other cities, no person shall be eligible to the office of mayor, alderman, or common councilman, who is not taxed, or who shall have neglected or refused to pay his tax, as provided in the preceding section.

6. The voting for all officers chosen by the people, except town or city officers, shall be by ballot; that is to say, by depositing a written or printed ticket in the ballot box, without the name of the voter written thereon. Town or city officers shall be chosen by ballot, on the demand of any two persons entitled to vote for the same.

7. There shall be a strict registration of all qualified voters in the towns and cities of the State; and no person shall be permitted to vote, whose name has not been entered upon the list of voters before the polls are opened.

8. The General Assembly shall pass all necessary laws for the prevention of fraudulent voting by persons not having an actual, permanent residence, or home, in the State, or otherwise disqualified according to this constitution; for the careful registration of all voters, previously to the time of voting; for the prevention of frauds upon the ballot-box; for the preservation of the purity of elections; and for the safekeeping and accurate counting of the votes; to the end that the will of the people may be freely and fully expressed, truly ascertained, and effectually exerted, without intimidation, suppression, or unnecessary delay.

9. The electors shall be exempted from arrest on days of election, and one day before, and one day after the same, except in cases of treason, felony, or breach of the peace.

10. No person shall be eligible to any office by the votes of the people, who does not possess the qualifications of an elector.

ARTICLE III.

*Of the distribution of powers.*

1. The powers of the Government shall be distributed into three departments—the legislative, the executive, and the judicial.

2. No person or persons connected with one of these departments shall exercise any of the powers belonging to either of the others, except in cases herein directed or permitted.

ARTICLE IV.

*Of the legislative department.*

1. The legislative power shall be vested in two distinct Houses: the one to be called the House of Representatives, the other the Senate, and both together the General Assembly. The concurrent votes of the two Houses shall be necessary to the enactment of laws; and the style of their laws shall be: Be it enacted by the General Assembly, as follows.

2. No member of the General Assembly shall be eligible to any civil office under the authority of the State, during the term for which he shall have been elected.

3. If any Representative, or Senator, in the General Assembly of this State, shall be appointed to any office under the Government of the United States, and shall accept the same, after his election as such Senator or Representative, his seat shall thereby become vacant.

4. Any person who holds an office under the Government of the United States may be elected a member of the General Assembly, and may hold his seat therein, if, at the time of his taking his seat, he shall have resigned said office, and shall declare the same on oath, or affirmation, if required.

5. No member of the General Assembly shall take any fees, be of counsel or act as advocate in any case pending before either branch of the General Assembly, under penalty of forfeiting his seat, upon due proof thereof.

6. Each House shall judge of the election and qualifications of its members; and a majority of all the members of each House, whom the towns and senatorial districts are entitled to elect, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each House may have previously prescribed.

7. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member; but not a second time for the same cause.

8. Each House shall keep a journal of its proceedings, and publish the same when required by one fifth of its members. The yeas and nays of

the members of either House shall, at the desire of any five members present, be entered on the journal.

9. Neither House shall, without the consent of the other, adjourn for more than two days, nor to any other place than that at which the General Assembly is holding its session.

10. The Senators and Representatives shall, in all cases of civil process, be privileged from arrest during the session of the General Assembly, and for two days before the commencement, and two days after the termination of any session thereof. For any speech in debate in either House, no member shall be called in question in any other place.

11. The civil and military officers, heretofore elected in grand committee, shall hereafter be elected annually by the General Assembly, in joint committee, composed of the two Houses of the General Assembly, excepting as is otherwise provided in this constitution; and excepting the captains and subalterns of the militia, who shall be elected by the ballots of the members composing their respective companies, in such manner as the General Assembly may prescribe; and such officers, so elected, shall be approved of and commissioned by the Governor, who shall determine their rank; and, if said companies shall neglect or refuse to make such elections, after being duly notified, then the Governor shall appoint suitable persons to fill such offices.

12. Every bill and every resolution requiring the concurrence of the two Houses, (votes of adjournment excepted,) which shall have passed both Houses of the General Assembly, shall be presented to the Governor for his revision. If he approve of it, he shall sign and transmit the same to the Secretary of State; but, if not, he shall return it to the House in which it shall have originated, with his objections thereto, which shall be entered at large on their journal. The House shall then proceed to reconsider the bill; and if, after such reconsideration, that House shall pass it by a majority of all the members elected, it shall be sent with the objections to the other House, which shall also reconsider it; and, if approved by that House by a majority of all the members elected, it shall become a law. If the bill shall not be returned by the Governor within forty-eight hours (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return; in which case, it shall not be a law.

13. There shall be two sessions of the General Assembly in every year: one session to be held at Newport, on the first Tuesday of June, for the organization of the government, the election of officers, and for other business; and one other session on the first Tuesday of January, to be held at Providence, in the first year after the adoption of this constitution, and in every second year thereafter. In the intermediate years, the January session shall be forever hereafter held in the counties of Washington, Kent, or Bristol, as the General Assembly may determine before their adjournment in June.

## ARTICLE V.

### *Of the House of Representatives.*

1. The House of Representatives shall consist of members chosen by the electors in the several towns and cities, in their respective town and ward meetings, annually.

2. The towns and cities shall severally be entitled to elect members ac-

cording to the apportionment which follows, viz: Newport to elect five; Warwick four; Smithfield five; Cumberland, North Providence, and Scituate, three; Portsmouth, Westerly, New Shoreham, North Kingstown, South Kingstown, East Greenwich, Glocester, West Greenwich, Coventry, Exeter, Bristol, Tiverton, Little Compton, Warren, Richmond, Cranston, Charlestown, Hopkinton, Johnston, Foster, and Burrillville, to elect two; and Jamestown, Middletown, and Barrington, to elect one.

3. In the city of Providence, there shall be six representative districts, which shall be the six wards of said city; and the electors resident in said districts, for the term of three months next preceding the election at which they offer to vote, shall be entitled to elect two Representatives for each district.

4. The General Assembly, in case of great inequality in the population of the wards of the city of Providence, may cause the boundaries of the six representative districts therein to be so altered as to include in each district, as nearly as may be, an equal number of inhabitants.

5. The House of Representatives shall have authority to elect their own Speaker, clerks, and other officers. The oath of office shall be administered to the Speaker by the Secretary of State, or, in his absence, by the Attorney General.

6. Whenever the seat of a member of the House of Representatives shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

ARTICLE VI.

*Of the Senate.*

1. The State shall be divided into twelve senatorial districts; and each district shall be entitled to one Senator, who shall be annually chosen by the electors in his district.

2. The first, second, and third representative districts in the city of Providence, shall constitute the first senatorial district; the fourth, fifth, and sixth representative districts in said city, the second district; the town of Smithfield, the third district; the towns of North Providence and Cumberland, the fourth district; the towns of Scituate, Glocester, Burrillville, and Johnston, the fifth district; the towns of Warwick and Cranston, the sixth district; the towns of East Greenwich, West Greenwich, Coventry, and Foster, the seventh district; the towns of Newport, Jamestown, and New Shoreham, the eighth district; the towns of Portsmouth, Middletown, Tiverton, and Little Compton, the ninth district; the towns of North Kingstown and South Kingstown, the tenth district; the towns of Westerly, Charlestown, Exeter, Richmond, and Hopkinton, the eleventh district; the towns of Bristol, Warren, and Barrington, the twelfth district.

3. The Lieutenant Governor shall be, by virtue of his office, President of the Senate; and shall have a right, in case of an equal division, to vote in the same; and also to vote in joint committee of the two Houses.

4. When the government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members President of the same.

5. Vacancies in the Senate, occasioned by death, resignation, or otherwise, may be filled by a new election.

6. The Secretary of State shall be, by virtue of his office, Secretary of the Senate.

ARTICLE VII.

*Of impeachments.*

1. The House of Representatives shall have the sole power of impeachment.

2. All impeachments shall be tried by the Senate; and when sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted except by a vote of two-thirds of the members elected. When the Governor is impeached, the chief justice of the supreme court shall preside, with a casting vote in all preliminary questions.

3. The Governor, and all other executive and judicial officers, shall be liable to impeachment; but judgments, in such cases, shall not extend further than to removal from office. The party convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

ARTICLE VIII.

*Of the Executive Department.*

1. The chief executive power of this State shall be vested in a Governor, who shall be chosen by the electors, and shall hold his office for one year, and until his successor be duly qualified.

2. No person holding any office or place under the United States, this State, any other of the United States, or any foreign power, shall exercise the office of Governor.

3. He shall take care that the laws are faithfully executed.

4. He shall be commander in-chief of the military and naval forces of the State, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State, without their consent, or that of the General Assembly, unless it shall become necessary in order to march or transport them from one part of the State to another, for the defence thereof.

5. He shall appoint all civil and military officers, whose appointment is not by this constitution, or shall not by law, be otherwise provided for.

6. He shall, from time to time, inform the General Assembly of the condition of the State, and recommend to their consideration such measures as he may deem expedient.

7. He may require from any military officer, or any officer in the executive department, information upon any subject relating to the duties of his office.

8. He shall have power to remit forfeitures and penalties, and to grant reprieves, commutation of punishments, and pardons after conviction, except in cases of impeachment.

9. The Governor shall, at stated times, receive for his services a compensation which shall not be increased nor diminished during his continuance in office.

10. There shall be elected, in the same manner as is provided for the election of Governor, a Lieutenant Governor, who shall continue in office for the same term of time. Whenever the office of Governor shall become vacant by death, resignation, removal from office, or otherwise, the Lieutenant Governor shall exercise the office of Governor until another Governor shall be duly qualified.

11. Whenever the offices of Governor and Lieutenant Governor shall both become vacant, by death, resignation, removal from office, or otherwise, the President of the Senate shall exercise the office of Governor until a Governor be duly qualified; and should such vacancies occur during a recess of the General Assembly, and there be no President of the Senate, the Secretary of State shall, by proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor.

12. Whenever the Lieutenant Governor or President of the Senate shall exercise the office of Governor, he shall receive the compensation of Governor only; and his duties as President of the Senate shall cease while he shall continue to act as Governor; and the Senate shall fill the vacancy by an election from their own body.

13. In case of a disagreement between the two Houses of the General Assembly respecting the time or place of adjournment, the person exercising the office of Governor may adjourn them to such time or place as he shall think proper; provided that the time of adjournment shall not be extended beyond the first day of the next stated session.

14. The person exercising the office of Governor may, in cases of special necessity, convene the General Assembly at any town or city in this State, at any other time than hereinbefore provided. And, in case of danger from the prevalence of epidemic or contagious diseases, or from other circumstances, in the place in which the General Assembly are next to meet, he may, by proclamation, convene the Assembly at any other place within the State.

15. A Secretary of State, a General Treasurer, and an Attorney General shall also be chosen annually, in the same manner, and for the same time, as is herein provided respecting the Governor. The duties of these officers shall be the same as are now or may hereafter be prescribed by law. Should there be a failure to choose either of them, or should a vacancy occur in either of their offices, the General Assembly shall fill the place by an election in joint committee.

16. The electors in each county shall, at the annual elections, vote for an inhabitant of the county to be sheriff of said county, for one year, and until a successor be duly qualified. In case no person shall have a majority of the electoral votes of his county for sheriff, the General Assembly, in joint committee, shall elect a sheriff from the two candidates who shall have the greatest number of votes in such county.

17. All commissions shall be in the name of the State of Rhode Island and Providence Plantations, sealed with the seal of the State, and attested by the Secretary.

## ARTICLE IX.

### *General provisions.*

1. This constitution shall be the supreme law of the State; and all laws contrary to, or inconsistent with the same, which may be passed by the General Assembly, shall be null and void.

2. The General Assembly shall pass all necessary laws for carrying this constitution into effect.

3. The judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to the due observance of this constitution, and of the constitution of the United States.

4. No jurisdiction shall, hereafter, be entertained by the General Assembly in cases of insolvency, divorce, sale of real estate of minors, or appeal from judicial decisions, nor in any other matters appertaining to the jurisdiction of judges and courts of law. But the General Assembly shall confer upon the courts of the State all necessary powers for affording relief in the cases herein named; and the General Assembly shall exercise all other jurisdiction and authority, which they have heretofore entertained, and which is not prohibited by, nor repugnant to, this constitution.

5. The General Assembly shall, from time to time, cause estimates to be made of the ratable property of the State, in order to the equitable apportionment of State taxes.

6. Whenever a direct tax is laid by the State, one sixth part thereof shall be assessed on the polls of the qualified electors: provided that the tax on a poll shall never exceed the sum of fifty cents; and that all persons who actually perform military duty, or duty in the fire department, shall be exempted from said poll-tax.

7. The General Assembly shall have no power hereafter to incur State debts, to an amount exceeding the sum of fifty thousand dollars, except in time of war, or in case of invasion, without the express consent of the people. Every proposition for such increase shall be submitted to the electors at the next annual election, or on some day to be set apart for that purpose; and shall not be farther entertained by the General Assembly, unless it receive the votes of a majority of all the persons voting. This section shall not be construed to refer to any money that now is, or hereafter may be, deposited with this State by the General Government.

8. The assent of two thirds of the members elected to each House of the General Assembly shall be requisite to every bill appropriating the public moneys, or property, for local or private purposes; or for creating, continuing, altering, or renewing any body politic or corporate, banking corporations excepted.

9. Hereafter, when any bill creating, continuing, altering, or renewing any banking corporation, authorized to issue its promissory notes for circulation, shall pass the two Houses of the General Assembly, instead of being sent to the Governor, it shall be referred to the electors for their consideration, at the next annual election, or on some day to be set apart for that purpose, with printed tickets containing the question—Shall said bill (with a brief description thereof) be approved, or not? and if a majority of the electors voting shall vote to approve said bill, it shall become a law; otherwise not.

10. All grants of incorporation shall be subject to future acts of the General Assembly, in amendment or repeal thereof, or in anywise affecting the same; and this provision shall be inserted in all acts of incorporation hereafter granted.

11. The General Assembly shall exercise, as heretofore, a visitatorial power over corporations. Three bank commissioners shall be chosen at the June session for one year, to carry out the powers of the General Assembly in this respect. And commissioners for the visitation of other corporations, as the General Assembly may deem expedient, shall be chosen at the June session, for the same term of office.

12. No city council, or other government, in any city, shall have power to vote any tax upon the inhabitants thereof, excepting the amount necessary to meet the ordinary public expenses in the same, without first submit-

ting the question of an additional tax, or taxes, to the electors of said city; and a majority of all who vote shall determine the question. But no elector shall be entitled to vote, in any city, upon any question of taxation thus submitted, unless he shall be qualified by the possession, in his own right, of ratable property to the amount of one hundred and fifty dollars, and shall have been assessed thereon to pay a city tax, and shall have paid the same, as provided in section fourth of article two. Nothing in that article shall be so construed as to prevent any elector from voting for town officers, and, in the city of Providence, and other cities, for mayor, aldermen, and members of the common council.

13. The General Assembly shall not pass any law, nor cause any act or thing to be done, in any way to disturb any of the owners or occupants of land in any territory now under the jurisdiction of any other State or States, the jurisdiction whereof may be ceded to, or decreed to belong to, this State; and the inhabitants of such territory shall continue in the full, quiet, and undisturbed enjoyment of their titles to the same, without interference in any way on the part of this State.

## ARTICLE X.

### *Of elections.*

1. The election of the governor, lieutenant governor, secretary of state, general treasurer, attorney general, and also of senators and representatives to the General Assembly, and of sheriffs of the counties, shall be held on the third Wednesday of April annually.

2. The names of the persons voted for as governor, lieutenant governor, secretary of state, general treasurer, attorney general, and sheriffs of the respective counties, shall be put upon one ticket; and the tickets shall be deposited by the electors in a box by themselves. The names of the persons voted for as senators and as representatives, shall be put upon separate tickets, and the tickets shall be deposited in separate boxes. The polls for all the officers named in this section shall be opened at the same time.

3. All the votes given for governor, lieutenant governor, secretary of state, general treasurer, attorney general, sheriffs, and also for senators, shall remain in the ballot-boxes till the polls be closed. These votes shall then, in open town and ward meetings, and in the presence of at least ten qualified voters, be taken out and sealed up, in separate envelopes, by the moderators and town clerks, and by the wardens and ward clerks, who shall certify the same, and forthwith deliver or send them to the Secretary of State, whose duty it shall be securely to keep the same, and to deliver the votes for State officers and sheriffs to the Speaker of the House of Representatives, after the House shall be organized, at the June session of the General Assembly. The votes last-named shall, without delay, be opened, counted, and declared, in such manner as the House of Representatives shall direct; and the oath of office shall be administered to the persons who shall be declared to be elected, by the Speaker of the House of Representatives, and in the presence of the House, provided that the sheriffs may take their engagement before a Senator, judge, or justice of the peace. The votes for Senators shall be counted by the Governor and Secretary of State within seven days from the day of election; and the Governor shall give certificates to the Senators who are elected.

4. The boxes containing the votes for representatives to the General Assembly in the several towns shall not be opened till the polls for representatives are declared to be closed. The votes shall then be counted by the moderator and clerk, who shall announce the result, and give certificates to the person selected. If there be no election, or not an election of the whole number of representatives to which the town is entitled, the polls for representatives may be re-opened, and the like proceedings shall be had, until an election shall take place: provided, however, that an adjournment of the election may be made to a time not exceeding seven days from the first meeting.

5. In the city of Providence, and other cities, the polls for representatives shall be kept open during the whole time of voting for the day; and the votes in the several wards shall be sealed up, at the close of the meeting, by the wardens and ward clerks, in the presence of at least ten qualified electors, and delivered to the city clerks. The mayor and aldermen of said city or cities shall proceed to count said votes within two days from the day of election; and if no election, or an election of only a portion of the representatives whom the representative districts are entitled to elect, shall have taken place, the mayor and aldermen shall order a new election, to be held not more than ten days from the day of the first election; and so on, till the election of representatives shall be completed. Certificates of election shall be furnished to the persons chosen by the city clerks.

6. If there be no choice of a senator or senators at the annual election, the Governor shall issue his warrant to the town and ward clerks of the several towns and cities in the senatorial district or districts that may have failed to elect, requiring them to open town or ward meetings for another election, on a day not more than fifteen days beyond the time of counting the votes for senators. If, on the second trial there shall be no choice of a senator, or senators, the Governor shall certify the result to the Speaker of the House of Representatives; and the House of Representatives, and as many senators as shall have been chosen, shall forthwith elect, in joint committee, a senator or senators, from the two candidates who may receive the highest number of votes in each district.

7. If there be no choice of Governor, at the annual election, the Speaker of the House of Representatives shall issue his warrant to the clerks of the several towns and cities, requiring them to notify town and ward meetings for another election, on a day to be named by him, not more than thirty, nor less than twenty days beyond the time of receiving the report of the committee of the House of Representatives who shall count the votes for Governor. If on this second trial there shall be no choice of a Governor, the two Houses of the General Assembly shall, at their next session, in joint committee, elect a Governor from the two candidates having the highest number of votes, to hold his office for the remainder of the political year, and until his successor be duly qualified.

8. If there be no choice of Governor and Lieutenant Governor at the annual election, the same proceedings for the choice of a Lieutenant Governor shall be had as are directed in the preceding section: provided, that the second trial for the election of Governor and Lieutenant Governor shall be on the same day; and also provided, that, if the Governor shall be chosen at the annual election, and the Lieutenant Governor shall not be chosen, then the last named officer shall be elected in joint committee of the two Houses, from the two candidates having the highest number of

votes, without a further appeal to the electors. The Lieutenant Governor, elected as is provided in this section, shall hold his office as is provided in the preceding section respecting the Governor.

9. All town, city, and ward meetings for the choice of representatives, justices of the peace, sheriffs, senators, state officers, representatives to Congress, and electors of President and Vice President, shall be notified by the town, city, and ward clerks, at least seven days before the same are held.

10. In all elections held by the people under this constitution, a majority of all the electors voting shall be necessary to the choice of the person or persons voted for.

11. The oath, or affirmation, to be taken by all the officers named in this article shall be the following: You, being elected to the place of governor, lieutenant governor, secretary of state, general treasurer, attorney general, or to the places of senators or representatives, or to the office of sheriff or justice of the peace, do solemnly swear, or severally solemnly swear, or affirm, that you will be true and faithful to the State of Rhode Island and Providence Plantations, and that you will support the constitution thereof; that you will support the constitution of the United States; and that you will faithfully and impartially discharge the duties of your aforesaid office, to the best of your abilities and understanding: so help you God! or, this affirmation you make and give upon the peril of the penalty of perjury.

## ARTICLE XI.

### *Of the Judiciary.*

1. The judicial power of this State shall be vested in one supreme court, and in such other courts, inferior to the supreme court, as the Legislature may, from time to time, ordain and establish; and the jurisdiction of the supreme and of all other courts may, from time to time, be regulated by the General Assembly.

2. Chancery powers may be conferred on the supreme court; but no other court exercising chancery powers shall be established in this State, except as is now provided by law.

3. The justices of the supreme court shall be elected in joint committee of the two Houses, to hold their offices for one year, and until their places be declared vacant by a resolution to that effect, which shall be voted for by a majority of all the members elected to the House in which it may originate, and be concurred in by the same vote of the other House, without revision by the Governor. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and, in default of the passage thereof at the said session, the judge, or judges, shall hold his or their place or places for another year. But a judge of any court shall be removable from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

4. In case of vacancy by the death, resignation, refusal, or inability to serve, or removal from the State of a judge of any court, his place may be filled by the joint committee, until the next annual election; when, if elected, he shall hold his office as herein provided.

5. The justices of the supreme court shall receive a compensation, which shall not be diminished during their continuance in office.

6. The judges of the courts inferior to the supreme court shall be annually elected in joint committee of the two Houses, except as herein provided.

7. There shall be annually elected by each town, and by the several wards in the city of Providence, a sufficient number of justices of the peace, or wardens resident therein, with such jurisdiction as the General Assembly may prescribe. And said justices or wardens (except in the towns of New Shoreham and Jamestown) shall be commissioned by the Governor.

8. The General Assembly may provide that justices of the peace, who are not re-elected, may hold their offices for a time not exceeding ten days beyond the day of the annual election of these officers.

9. The courts of probate in this State, except the supreme court, shall remain as at present established by law, until the General Assembly shall otherwise prescribe.

## ARTICLE XII.

### *Of education.*

1. All moneys which now are, or may hereafter be, appropriated, by the authority of the State, to public education, shall be securely invested, and remain a perpetual fund for the maintenance of free schools in this State; and the General Assembly are prohibited from diverting said moneys or fund from this use, and from borrowing, appropriating, or using the same, or any part thereof, for any other purpose, or under any pretence whatsoever. But the income derived from said moneys or fund shall be annually paid over, by the general treasurer, to the towns and cities of the State, for the support of said schools, in equitable proportions: provided, however, that a portion of said income may, in the discretion of the General Assembly, be added to the principal of said fund.

2. The several towns and cities shall faithfully devote their portions of said annual distribution to the support of free schools; and, in default thereof, shall forfeit their shares of the same to the increase of the fund.

3. All charitable donations for the support of free schools, and other purposes of public education, shall be received by the General Assembly, and invested and applied agreeably to the terms prescribed by the donors: provided the same be not inconsistent with the constitution, or with sound public policy; in which case, the donation shall not be received.

## ARTICLE XIII.

### *Amendments.*

The General Assembly may propose amendments to this constitution by the vote of a majority of all the members elected to each House. Such propositions shall be published in the newspapers of the State; and printed copies of said propositions shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State; and the said propositions shall be, by said clerks, inserted in the notices by them issued, for warning the next annual town and ward meetings in April; and the town and ward clerks shall read said propositions to the electors, when thus assembled,

with the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Representatives and Senators shall be had. If a majority of all the members elected at said annual meetings, present in each House, shall approve any proposition thus made, the same shall be published, as before provided, and then sent to the electors in the mode provided in the act of approval; and, if then approved by a majority of the electors who shall vote in town and ward meetings, to be specially convened for that purpose, it shall become a part of the constitution of the State.

ARTICLE XIV.

*Of the adoption of the constitution.*

1. This constitution shall be submitted to the people, for their adoption or rejection, on Monday, the 27th day of December next, and on the two succeeding days; and all persons voting are requested to deposite in the ballot boxes printed or written tickets in the following form: I am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in this State. I am (or not) qualified to vote under the existing laws of this State. I vote for (or against) the constitution formed by the convention of the people, assembled at Providence, and which was proposed to the people by said convention on the 18th day of November, 1841.

2. Every voter is requested to write his name on the face of his ticket; and every person, entitled to vote as aforesaid, who, from sickness or other causes, may be unable to attend and vote in the town or ward meetings assembled for voting upon said constitution, on the days aforesaid, is requested to write his name upon a ticket, and to obtain the signature upon the back of the same of a person who has given in his vote, as a witness thereto. And the moderator, or clerk, of any town or ward meeting convened for the purpose aforesaid, shall receive such vote, on either of the three days next succeeding the three days before named for voting on said constitution.

3. The citizens of the several towns in this State, and of the several wards in the city of Providence, are requested to hold town and ward meetings on the days appointed, and for the purpose aforesaid; and also to choose, in each town and ward, a moderator and clerk, to conduct said meetings, and receive the votes.

4. The moderators and clerks are required to receive, and carefully to keep, the votes of all persons qualified to vote as aforesaid, and to make registers of all the persons voting; which, together with the tickets given in by the voters, shall be sealed up, and returned by said moderators and clerks, with certificates signed and sealed by them, to the clerks of the convention of the people, to be by them safely deposited and kept, and laid before said convention, to be counted and declared at their next adjourned meeting, on the 12th day of January, 1842.

5. This constitution, except so much thereof as relates to the election of the officers named in the sixth section of this article, shall, if adopted, go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-two.

6. So much of the constitution as relates to the election of the officers named in this section shall go into operation on the Monday before the

third Wednesday of April next preceding. The first election under this constitution, of Governor, Lieutenant Governor, Secretary of State, General Treasurer, and Attorney General, of Senators and Representatives, of sheriffs for the several counties, and of justices of the peace for the several towns, and the wards of the city of Providence, shall take place on the Monday aforesaid.

7. The electors of the several towns and wards are authorized to assemble on the day aforesaid, without being notified, as is provided in section 9th of article 10, and without the registration required in section 7th of article 2, and to choose moderators and clerks, and proceed in the election of the officers named in the preceding section.

8. The votes given in at the first election for Representatives to the General Assembly, and for justices of the peace, shall be counted by the moderators and clerks of the towns and wards chosen as aforesaid; and certificates of election shall be furnished by them to the Representatives and justices of the peace elected.

9. Said moderators and clerks shall seal up, certify, and transmit to the House of Representatives all the votes that may be given in at said first election for Governor and State officers, and for Senators and sheriffs; and the votes shall be counted as the House of Representatives may direct.

10. The Speaker of the House of Representatives shall, at the first session of the same, qualify himself to administer the oath of office to the members of the House, and to other officers, by taking and subscribing the same oath in the presence of the House.

11. The first session of the General Assembly shall be held in the city of Providence on the first Tuesday of May, in the year one thousand eight hundred and forty-two, with such adjournments as may be necessary; but all other sessions shall be held as is provided in article 4 of this constitution.

12 If any of the Representatives, whom the towns or districts are entitled to choose at the first annual election aforesaid, shall not be then elected, or if their places shall become vacant during the year, the same proceedings may be had to complete the election, or to supply vacancies, as are directed concerning elections in the preceding sections of this article.

13. If there shall be no election of Governor or Lieutenant Governor, or of both of these officers, or of a Senator or Senators, at the first annual election, the House of Representatives, and as many Senators as are chosen, shall forthwith elect, in joint committee, a Governor or Lieutenant Governor, or both, or a Senator or Senators, to hold their offices for the remainder of the political year, and, in the case of the two officers first named, until their successors shall be duly qualified.

14. If the number of justices of the peace determined by the several towns and wards on the day of the first annual election shall not be then chosen, or if vacancies shall occur, the same proceedings shall be had as are provided for in this article in the case of a non-election of Representatives and Senators, or of vacancies in their offices. The justices of the peace thus elected shall hold office for the remainder of the political year, or until the second annual election of justices of the peace, to be held on such day as may be prescribed by the General Assembly.

15. The justices of the peace elected in pursuance of the provisions of this article, may be engaged by the persons acting as moderators of the town and ward meetings, as herein provided; and said justices, after ob-

taining their certificates of election, may discharge the duties of their office, for a time not exceeding twenty days, without a commission from the Governor.

16. Nothing contained in this article, inconsistent with any of the provisions of other articles of the constitution, shall continue in force for a longer period than the first political year under the same.

17. The present government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty two, and until their successors, under this constitution, shall be duly elected and qualified.

18. All civil, judicial, and military officers now elected, or who shall hereafter be elected by the General Assembly, or other competent authority, before the said first Tuesday of May, shall hold their offices, and may exercise their powers, until that time.

19. All laws and statutes, public and private, now in force, and not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All contracts, judgments, actions, and rights of action, shall be as valid as if this constitution had not been made. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the State as if this constitution had not been made.

20. The supreme court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established; and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places in each county, as the present supreme judicial court, until the General Assembly shall otherwise prescribe.

21. The citizens of the town of New Shoreham shall be hereafter exempted from military duty, and the duty of serving as jurors in the courts of this State. The citizens of the town of Jamestown shall be forever hereafter exempted from military field duty.

22. The General Assembly shall, at their first session after the adoption of this constitution, propose to the electors the question, whether the word "white," in the first line of the first section of article 2 of the constitution, shall be stricken out. The question shall be voted upon at the succeeding annual election; and if a majority of the electors voting shall vote to strike out the word aforesaid, it shall be stricken from the constitution; otherwise, not. If the word aforesaid shall be stricken out, section 3d of article 2 shall cease to be a part of the constitution.

23. The president, vice presidents, and secretaries shall certify and sign this constitution, and cause the same to be published.

Done in convention at Providence, on the 18th day of November, in the year one thousand eight hundred and forty-one, and of American independence the sixty sixth.

JOSEPH JOSLIN, *President of the Convention.*

WAGER WEEDEN, SAMUEL H. WALES, } *Vice Presidents.*

Attest:

WILLIAM H. SMITH, JOHN S. HARRIS, } *Secretaries.*

*Freeholders' Constitution of the State of Rhode Island and Providence Plantations, as adopted February 19, 1842, by the convention assembled at Providence November, 1841.*

We, the people of the State of Rhode Island and Providence Plantations, do ordain and establish this constitution for the government thereof.

ARTICLE I.

*Declaration of certain constitutional rights and principles.*

In order effectually to secure the religious and political freedom established here by our venerated ancestors, and to preserve the same for their posterity, we do declare that the inherent, essential, and unquestionable rights and principles hereinafter mentioned, among others, shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial, and executive proceedings.

SECTION 1. Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

SEC. 2. The right of the people to be secure in their persons, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing, as nearly as may be, the place to be searched, and the persons or things to be seized.

SEC. 3. No person shall be holden to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or such offences as are usually cognizable by a justice of the peace; or, in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger. No person shall be tried after an acquittal, for the same offence.

SEC. 4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offence.

SEC. 5. All persons imprisoned ought to be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety shall require it; nor ever, without the authority of the General Assembly.

SEC. 6. In all criminal prosecutions, the accused shall enjoy the privilege of a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining them in his favor; and to have the assistance of counsel in his defence, and be at liberty to speak for himself; nor shall he be deprived of life, liberty, or property, unless by the judgment of his peers, or the law of the land.

SEC. 7. The person of a debtor, where there is not strong presumption of fraud, ought not to be continued in prison after he shall have delivered

up his property for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 8 No *ex post facto* law, or law impairing the obligation of contracts, shall be made.

Sec. 9. No man, in a court of common law, shall be compelled to give evidence criminating himself.

Sec. 10. Every man being presumed innocent until pronounced guilty by the law, all acts of severity that are not necessary to secure an accused person shall be repressed.

Sec. 11. The right of trial by jury shall remain inviolate.

Sec. 12. Private property shall not be taken for public uses, without just compensation.

Sec. 13. The citizens shall continue to enjoy and freely exercise the rights of fishery, and all other rights to which they have been heretofore entitled under the charter of this State, except as is herein otherwise provided.

Sec. 14. The military shall always be held in strict subordination to the civil authority.

Sec. 15. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in manner to be prescribed by law.

Sec. 16. The liberty of the press being essential to the security of freedom in a State, any person may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be a sufficient defence to the person charged.

Sec. 17. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances, or other purposes, by petition, address, or remonstrance.

Sec. 18. The right of the people to keep and bear arms shall not be infringed.

Sec. 19. Slavery shall not be tolerated in this State.

Sec. 20. Whereas Almighty God hath created the mind free, and all attempts to influence it, by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness: and whereas a principal object of our venerable ancestors, in their migrations to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil state may stand, and be best maintained, with full liberty in religious concernments: we, therefore, declare that no man shall be compelled to frequent or support any religious worship, place, or ministry whatever; nor enforced, restrained, molested, or burdened in his body or goods; nor disqualified from holding any office, nor otherwise suffer, on account of his religious belief; and that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion; and that the same shall in nowise diminish, enlarge, or affect their civil capacities.

Sec. 21. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

*Of the right of suffrage.*

Section 1. Every person who is now a freeman, and qualified voter, shall continue to be so, so long as he retains the qualifications upon which he was admitted.

Sec. 2. Hereafter, every white male native citizen of the United States, or any territory thereof, of the full age of twenty one years, who shall have had his actual permanent residence and home in this State for the period of one year, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, and shall be seized in his own right of a freehold real estate in such town or city, of the value at least of one hundred and thirty-four dollars over and above all incumbrances, shall, therefrom, have a right to vote in the election of all civil officers, and on all questions in all legal town or ward meetings.

Sec. 3. Every white male native citizen of the United States, or any territory thereof, of the full age of twenty one years, who shall have had his actual permanent residence and home in this State for the period of two years, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, shall have a right to vote in the election of all civil officers, and on all questions in all legal town or ward meetings: *Provided, however*, that no person who is not now a freeman shall be allowed to vote upon any motion to impose a tax, or incur expenditures in any town or city, unless he possess the freehold qualification required by this article, or shall have been taxed on property valued at least at one hundred and fifty dollars, within one year from the time he may offer to vote, and shall have paid such tax in said town or city.

Sec. 4. Any white male, native of any foreign country, of the full age of twenty-one years, naturalized in the United States according to law, who shall have had his actual permanent residence and home in this State for the period of three years after his naturalization, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, and shall be seized in his own right of a freehold real estate, in such town or city, of the value at least of one hundred and thirty-four dollars over and above all incumbrances, shall, therefrom, have a right to vote in the election of all civil officers, and in all questions in all town or ward meetings. But no person in the military, naval, marine, or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State. And no pauper, lunatic, or person *non compos mentis*, or under guardianship, shall be permitted to vote; nor shall any person convicted of any crime deemed infamous at common law, be permitted to exercise that privilege until he be restored thereto by the General Assembly. Persons residing on land ceded by this State to the United States shall not be entitled to exercise the privilege of electors during such residence.

Sec. 5. The General Assembly shall, as soon as may be after the adoption of this constitution, provide for the registration of voters; and shall also have full power, generally, to enact all laws necessary to carry this article into effect, and to prevent abuse and fraud in voting.

Sec. 6. All persons entitled to vote shall be protected from arrest in civil

cases, on the days of election, and on the day preceding and the day following an election.

Sec. 7. In the city of Providence, and all other cities, no person shall be eligible to the office of mayor, alderman, or common councilman, who is not qualified to vote upon a motion to impose a tax or incur expenditures as herein provided.

Sec. 8. The General Assembly shall have power to provide, by special or general laws, for the admission of any native male citizen of the United States, or any Territory, who shall have had his permanent residence and home in this State for two years, but who is not otherwise qualified under this article, to vote on such conditions as they may deem proper, except for taxes and expenditures.

ARTICLE III.

*Of the distribution of powers.*

The powers of the government shall be distributed into three distinct branches—the legislative, executive, and judicial.

ARTICLE IV.

*Of the legislative power.*

Section 1. This constitution shall be the supreme law of the State; and all laws inconsistent therewith shall be void. The General Assembly shall pass all such laws as are necessary to carry this constitution into effect.

Sec. 2. The legislative power, under this constitution, shall be vested in two distinct houses, or branches, each of which shall have a negative on the other: the one to be styled the Senate, the other the House of Representatives; and both together, the General Assembly. The style of their laws shall be: It is enacted by the General Assembly as follows.

Sec. 3. There shall be one session of the General Assembly holden annually at Newport, on the first Tuesday of May; and one other annual session, to be holden on the last Monday of October, once in two years, at South Kingstown; and the intermediate years, alternately at Bristol and East Greenwich; and the adjournment from the October session shall be holden at Providence.

Sec. 4. No member of the General Assembly shall take any fees, or be of counsel in any case pending before either branch of the General Assembly, under penalty of forfeiting his seat, upon due proof thereof to the satisfaction of the branch of which he is a member.

Sec. 5. The person and estate of every member of the General Assembly shall be free and exempt from all process in any civil action during the session of the General Assembly, and for two days before the commencement and after the termination thereof. And all process served contrary hereto shall be void. And for any speech in debate, in either House, no member shall be questioned in any other place.

Sec. 6. Each House shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each House may prescribe.

Sec. 7. Each House may determine the rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member; but not a second time for the same cause.

Sec. 8. Each House shall keep a journal of its proceedings. The yeas and nays of the members of either House shall, at the desire of one-fifth of those present, be entered on the journal.

Sec. 9. Neither House shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.

Sec. 10. The General Assembly shall continue to exercise the judicial power, the power of visiting corporations, and all other powers they have heretofore exercised, not inconsistent with this constitution.

Sec. 11. The General Assembly shall regulate the compensation of the Governor and other officers elected by general ticket, or by the General Assembly, and of the members of the General Assembly, subject to the limitations contained in this constitution.

Sec. 12. All lotteries shall hereafter be prohibited in this State, except those already authorized by the General Assembly.

Sec. 13. The General Assembly shall have no power, hereafter, to incur State debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of invasion, without the express consent of the people; nor in any case, without such consent to pledge the faith of the State for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with this State by the Government of the United States.

Sec. 14. The assent of two-thirds of the members elected to each branch of the General Assembly shall be required to every bill appropriating the public moneys, or property, for local or private purposes.

Sec. 15. The General Assembly shall, from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as they may deem best. No direct State tax shall be assessed on the ratable property of the State, before a new estimate of such property shall be taken.

Sec. 16. Whenever a direct tax is laid by the State, one-sixth part thereof shall be assessed on the polls of the qualified electors: provided that the tax on a poll shall never, in any one tax, exceed the sum of fifty cents.

Sec. 17. The General Assembly may provide by law for the continuance in office of any officers of annual appointment, until other persons are qualified to take their places.

## ARTICLE V.

### *Of the House of Representatives.*

Section 1. The House of Representatives shall consist of members elected by the electors of the several towns and cities in the respective town and ward meetings. Each town or city having four thousand inhabitants, and under six thousand five hundred, shall be entitled to elect three Representatives; each town or city having six thousand five hundred inhabitants, and under ten thousand, shall be entitled to elect four Representatives; each town or city having ten thousand inhabitants, and under fourteen

thousand, shall be entitled to elect five Representatives; each town or city having fourteen thousand inhabitants, and under eighteen thousand, shall be entitled to elect six Representatives; each town or city having eighteen thousand inhabitants, and under twenty-two thousand, shall be entitled to elect seven Representatives; each town or city having over twenty-two thousand inhabitants, shall be entitled to elect eight Representatives. But no town or city shall be entitled to elect more than eight Representatives, and every town or city shall be entitled to elect two. The representation of the several towns and cities in this State shall be apportioned agreeable to the last census of the people of the United States preceding the election.

SEC. 2. The House of Representatives shall have authority to elect its Speaker, clerks, and other officers. The oath of office shall be administered by the Secretary of State, or, in his absence, by the Attorney General. The clerks shall be engaged by the Speaker.

SEC. 3. Whenever the seat of a member of the House of Representatives shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

SEC. 4. The senior member from the town of Newport, present, shall preside in the organization of the House.

## ARTICLE VI.

### *Of the Senate.*

SECTION 1. The Senate shall consist of nineteen members, to be chosen annually by the majority of electors, by districts. The State shall be divided into sixteen districts, as follows:

*First.* The town of Newport shall constitute the first senatorial district, and shall be entitled to elect two Senators.

*Second.* The towns of Portsmouth, Middletown, Tiverton, Little Compton, New Shoreham, and Jamestown, shall constitute the second senatorial district, and shall be entitled to elect two Senators.

*Third.* The city of Providence shall constitute the third senatorial district, and shall be entitled to elect two Senators.

*Fourth.* The town of Smithfield shall constitute the fourth senatorial district, and shall be entitled to elect one Senator.

*Fifth.* The towns of Cumberland and North Providence shall constitute the fifth senatorial district, and shall be entitled to elect one Senator.

*Sixth.* The towns of Scituate, Cranston, and Johnston shall constitute the sixth senatorial district, and shall be entitled to elect one Senator.

*Seventh.* The towns of Glocester, Foster, and Burrillville shall constitute the seventh senatorial district, and shall be entitled to elect one Senator.

*Eighth.* The town of South Kingstown shall constitute the eighth senatorial district, and shall be entitled to elect one Senator.

*Ninth.* The towns of Westerly and Charlestown shall constitute the ninth senatorial district, and shall be entitled to elect one Senator.

*Tenth.* The towns of Hopkinton and Richmond shall constitute the tenth senatorial district, and shall be entitled to elect one Senator.

*Eleventh.* The towns of North Kingstown and Exeter shall constitute the eleventh senatorial district, and shall be entitled to elect one Senator.

*Twelfth.* The town of Bristol shall constitute the twelfth senatorial district, and shall be entitled to elect one Senator.

*Thirteenth.* The towns of Warren and Barrington shall constitute the thirteenth senatorial district, and shall be entitled to elect one Senator.

*Fourteenth.* The towns of East Greenwich and West Greenwich shall constitute the fourteenth senatorial district, and shall be entitled to elect one Senator.

*Fifteenth.* The town of Coventry shall constitute the fifteenth senatorial district, and shall be entitled to elect one Senator.

*Sixteenth.* The town of Warwick shall constitute the sixteenth senatorial district, and shall be entitled to elect one Senator.

And no more than one Senator shall be elected from any town for the same term, in the second senatorial district.

SEC. 2. The Lieutenant Governor shall ex officio be a member of the Senate.

The Secretary of State shall be, by virtue of his office, Secretary of the Senate, unless otherwise provided by law; and the Senate may elect such other officers as they may deem necessary.

SEC. 3. If, by reason of death, resignation, or absence, there be no Governor or Lieutenant Governor present, to preside in the Senate, the Senate shall elect one of their own number to preside, until the Governor or Lieutenant Governor returns, or until one of said offices is filled according to this constitution; and, until such election is made by the Senate, the Secretary of State shall preside.

## ARTICLE VII.

### *Of impeachments.*

SECTION 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the Senate; and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted, except by vote of two thirds of the members elected. When the Governor is impeached, the chief or presiding justice of the supreme judicial court for the time being, shall preside, with a casting vote in all preliminary questions.

SEC. 3. The Governor, and all other executive and judicial officers, shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office. The party convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

## ARTICLE VIII.

### *Of the executive power.*

SECTION 1. The chief executive power of this State shall be vested in a Governor.

SEC. 2. The Governor shall take care that the laws be faithfully executed.

SEC. 3. He shall be captain-general and commander-in-chief of the military and naval forces of this State, except when they shall be called into the service of the United States.

SEC. 4. He shall have power to grant reprieves, after conviction, in all cases, except those of impeachment, until the end of the next session of the General Assembly, and no longer.

Sec. 5. The person filling the office of Governor shall preside in the Senate, and in grand committee; and shall have a right, in case of equal division, to vote; not otherwise.

Sec. 6. He may fill vacancies in office not otherwise provided for by this constitution, or by law, until the same shall be filled by the General Assembly, or the people.

Sec. 7. In case of disagreement between the two Houses of the General Assembly, respecting the time or place of adjournment, certified to him by either, he may adjourn them to such time and place as he shall think proper; provided that the time of adjournment shall not be extended beyond the day of the next stated session.

Sec. 8. He may, on special emergencies, convene the General Assembly at any town in this State, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious diseases, in either of the places in which the General Assembly may by law meet, or to which they may have been adjourned; or, from other circumstances, he may, by proclamation, convene said Assembly at any other place within this State.

Sec. 9. All commissions shall be in the name and by authority of the State of Rhode Island and Providence Plantations, shall be sealed with the State seal, signed by the Governor, and attested by the Secretary.

Sec. 10. In case of the death, resignation, refusal or inability to serve, or removal from office of the Governor, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the next annual election for Governor, and be duly qualified, or until the Governor, impeached or absent, shall be acquitted or return.

Sec. 11. If the offices of Governor and Lieutenant Governor be both vacant by reason of death, resignation, absence, or otherwise, the person entitled to preside over the Senate for the time being, shall, in like manner, administer the government until he be superseded by a Governor or Lieutenant Governor.

Sec. 12. The compensation of the Governor and Lieutenant Governor shall be established by law, and shall not be diminished during the term for which they were elected.

Sec. 13. The duties and powers of the Secretary, Attorney General, and General Treasurer, shall be the same under this constitution as are now established, or from time to time may be prescribed by law.

## ARTICLE IX.

### *Of elections.*

Section 1. The Governor, Lieutenant Governor, Senators, Representatives, Secretary of State, Attorney General, and General Treasurer, shall be elected at the town, city, or ward meetings, to be holden on the third Wednesday of April, annually; and shall severally hold their offices for one year, from the first Tuesday in May next succeeding their election, and until others are legally chosen and duly qualified to fill their places.

Sec. 2. The voting for all officers chosen by the people, except town or city officers, shall be by ballot, in manner to be regulated by law. Town or city officers shall be chosen by ballot, on demand of any two persons entitled to vote for the same.

Sec. 3. The names of the persons voted for as Governor, Lieutenant Governor, Secretary of State, General Treasurer, and Attorney General, shall be put upon one ticket, and the tickets shall be deposited by the moderator or warden in a box by themselves. The names of the persons voted for as Senators, and as Representatives, shall be put upon separate tickets, and the tickets shall be deposited by the moderator or warden in separate boxes. The polls for all the officers named in this section shall be opened at the same time.

Sec. 4. All the votes given for Governor, Lieutenant Governor, Secretary of State, General Treasurer, and Attorney General, and also for Senators, shall remain in the ballot-boxes till the polls are closed. These votes shall then, in open town and ward meetings, be taken out and sealed in separate envelopes by the moderators and town clerks, and by the wardens and ward clerks, who shall certify the same, and forthwith deliver or send them to the Secretary of State; whose duty it shall be securely to keep the same, and to deliver the votes for general officers to the Speaker of the House of Representatives, after the House shall be organized, at the May session of the General Assembly. The votes last named shall without delay be opened, counted, and declared, in such manner as the House of Representatives shall direct. The votes for Senators shall be counted by the Governor and Secretary of State, within seven days from the day of election, and the Governor shall give certificates to the Senators who are elected.

Sec. 5. The votes for Representatives in the several towns, after the polls are declared to be closed for the same, shall be counted by the moderators and clerks, who shall announce the result, and give certificates to the persons elected. If there be no election, or not an election of the whole number of Representatives to which the town is entitled, the polls for Representatives may be reopened, and the like proceedings shall be had until an election shall take place: provided, however, that an adjournment or adjournments of the election may be made to a time not exceeding seven days from the first meeting.

Sec. 6. In the city of Providence and other cities, the polls for Representatives shall be kept open during the whole time of voting for the day, and the votes in the several wards shall be sealed up at the close of the meeting by the wardens and ward clerks in open ward meeting, and delivered to the city clerk. The mayor and aldermen of said city or cities shall proceed to count said votes within two days from the day of election; and if no election, or an election of only a portion of the Representatives, shall have taken place, the mayor and aldermen shall order a new election to be held, not more than ten days from the day of the first election, and so on till the election of Representatives shall be completed. Certificates of election shall be furnished by the city clerks to the persons chosen.

Sec. 7. If no person shall have a majority of votes for the office of Governor or Lieutenant Governor, the Senate and House of Representatives, in grand committee, may choose one by ballot from the two persons having the highest number of votes.

Sec. 8. In case an election of the Secretary of State, Attorney General, or General Treasurer, should fail to be made by the electors at their annual election, the vacancy or vacancies shall be filled by the General Assembly in grand committee, from the two candidates for such office having the greatest number of the votes of the electors. Or, in case of a vacancy in

either of said offices from other causes, between the sessions of the General Assembly, the Governor shall appoint some person to fill the same until a successor elected by the General Assembly is qualified to act; and in such case, and also in all other cases of vacancies not otherwise provided for, the General Assembly may fill the same in any manner they may deem proper.

Sec. 9. If there be no choice of a Senator or Senators at the annual election, or if a vacancy in the Senate occur from any other cause, the Governor shall issue his warrant to the town and ward clerks of the several towns and cities in the senatorial district or districts that may have failed to elect, or where such vacancy may have occurred, requiring them to open town or ward meetings for another election, on a day to be by him appointed, not more than fifteen days from the time of issuing such warrant; and, in such election, a plurality of votes shall elect.

Sec. 10. All general officers shall take the following engagement before they act in their respective offices, to wit: You, ———, being by the free vote of the freemen of this State of Rhode Island and Providence Plantations, elected unto the place of ———, do solemnly swear (or affirm) to be true and faithful unto this State, and to support the constitution of this State and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office, to the best of your abilities, according to law: so help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury. And the members of the General Assembly shall take an engagement to the same effect.

Sec. 11. In all elections held by the people under this constitution, a majority of all the electors voting shall be necessary to the choice of the persons voted for, except as is herein otherwise provided.

Sec. 12. The officers now elected in grand committee, except justices of the peace, shall continue to be so elected until otherwise prescribed by law.

Sec. 13. The oath or affirmation shall be administered to the Governor, Lieutenant Governor, and Senators, by the Speaker of the House of Representatives, in presence of the House, or elsewhere, by a justice of the supreme judicial court. The Secretary of State, Attorney General, and General Treasurer, shall be engaged by the person exercising the office of Governor.

## ARTICLE X.

### *Of qualifications for office.*

Section 1. No person shall be qualified to hold the office of Governor, Lieutenant Governor, Senator, or Representative in the General Assembly, unless he be a duly qualified elector. No person shall be elected a Representative to the General Assembly, or to any town or city office, unless he be a qualified elector, and an inhabitant of the town or city which elects him.

Sec. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered, or procured any other person to offer, any bribe to secure his election, or the election of any other person.

Sec. 3. The judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this constitution, and the constitution of the United States.

Sec. 4. No person who holds any office under the Government of the

United States, or any other State or foreign country, shall be capable of acting as a general officer, or shall take a seat in the General Assembly, unless, at the time of taking his engagement, he shall have resigned his office under such other Government. And if any general officer, senator, representative, or judge shall, after his election, accept or hold any office under any other Government, he shall not be capable thereafter of acting as a general officer, senator, representative, or judge, but the office shall be thereby vacated.

ARTICLE XI.

*Of the judicial power.*

SECTION 1. The judicial power of this State shall be vested in one supreme judicial court, and in such inferior courts as the General Assembly may, from time to time, ordain and establish; and the jurisdiction of the supreme and of all other courts may, from time to time, be regulated by the General Assembly.

SEC. 2. Chancery powers may be conferred by the General Assembly on the supreme judicial court; but no other court exercising chancery powers shall be established in this State, except as is now provided by law.

SEC. 3. The justices of the supreme judicial court shall be elected in grand committee of the two Houses, to hold their offices until their places be declared vacant by a resolution of the General Assembly to that effect; which shall be voted for by a majority of all the members elected to the House in which it may originate, and be concurred in by the same majority of the other House. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and, in default of the passage thereof at said session, the judge, or judges, shall hold his or their places, as is herein provided. But a judge of this, or of any other court inferior to the same, shall be removable from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

SEC. 4. In case of vacancy by the death, resignation, refusal, or inability to serve, or absence from the State, of a judge of this court, his place may be filled by the grand committee until the next annual election; when the judge elected shall hold his office, as before provided.

SEC. 5. The judges of the supreme judicial court shall receive a suitable compensation for their services, which shall not be diminished during their continuance in office.

SEC. 6. The judges of the supreme judicial court shall, in all trials, instruct the jury in the law.

SEC. 7. There shall be annually elected by each town, and by the several wards in the city of Providence, a sufficient number of justices of the peace, or wardens, resident therein, with such jurisdiction as the General Assembly may prescribe; and said justices, or wardens, except in the towns of New Shoreham and Jamestown, shall be commissioned by the Governor.

SEC. 8. The courts of probate in this State, excepting the supreme judicial court, shall remain as at present established by law, until the General Assembly shall otherwise prescribe.

ARTICLE XII.

*Of education.*

SECTION 1. The diffusion of knowledge as well as of virtue among the people, being essential for the preservation of their rights and liberties, it shall be the duty of the General Assembly to promote public schools, and to adopt all other means to secure to the people the advantages and opportunities of education, which they may deem necessary and proper.

SEC. 2. The money which now is, or which may hereafter be, appropriated by law for the formation of a permanent fund for the support of public schools, shall be securely invested, and remain a perpetual fund for that purpose.

SEC. 3. All donations for the support of public schools, or for other purposes of education, which shall be received by the General Assembly, shall be applied according to the terms prescribed by the donors.

SEC. 4. The General Assembly shall make all necessary provisions by law for carrying this article into effect. They are prohibited from diverting said moneys, or fund, from the aforesaid uses; and from borrowing, appropriating, or using the same, or any part thereof, for any other purpose, under any pretence whatsoever.

ARTICLE XIII.

*Of amendments.*

The General Assembly may propose amendments to this constitution by the votes of a majority of all the members elected to each House. Such propositions shall be published in the newspapers, and printed copies of said propositions shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State; and the said propositions shall be by said clerks inserted in the warrants or notices by them issued, for warning the next annual town and ward meetings in April; and the clerks shall read said propositions to the electors when thus assembled, with the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Representatives and Senators shall be had. If a majority of all the members elected to each House, at said annual meeting, shall approve any proposition thus made, the same shall be published and sent to the electors in the mode provided in the act of approval; and, if then approved by three-fifths of the electors of the State present, and voting thereon in town and ward meetings, it shall become a part of the constitution of the State.

ARTICLE XIV.

*Of the adoption of this constitution.*

SECTION 1. This constitution, if adopted, shall go into operation on the first Tuesday in May, in the year one thousand eight hundred and forty-two. The first election of Governor, Lieutenant Governor, Secretary of State, Attorney General, and General Treasurer, and of Representatives and Senators, under said constitution, shall be had on the third Wednesday

of April next preceding. And the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil, judicial, and military officers now elected, or who shall hereafter be elected, by the General Assembly, or other competent authority, before the said first Tuesday of May, shall hold their offices, and may exercise their powers, until that time, or until their successors are qualified to act. All statutes, public and private, not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All charters, contracts, judgments, actions, and rights of action, shall be as valid as if this constitution had not been made. The present government shall exercise all the powers with which it is now clothed until the said first Tuesday of May, one thousand eight hundred and forty-two, and until their successors, under this constitution, are duly elected and qualified.

SEC. 2. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the State as if this constitution had not been formed.

SEC. 3. The supreme judicial court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established; and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present supreme judicial court, until otherwise prescribed by the General Assembly.

SEC. 4. The towns of Jamestown and New Shoreham shall continue to enjoy the exemptions from military duty which they now enjoy, until otherwise prescribed by law.

Done in convention, February 19, 1842.

HENRY Y. CRANSTON,
*President of the Convention.*

THOMAS A. JENCKES, *Secretary.*
WALTER W. UPDIKE, *Assistant Secretary.*

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*Secretary's Office, February*, 1842.

The foregoing is a true copy of the original roll deposited in the Secretary's office.

Witness: HENRY BOWEN, *Secretary.*

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In Convention, February* 19, *A. D.* 1842.

*Resolved*, That the constitution framed by this convention be certified by the president and secretaries, and, with the journal and papers of the convention, shall be deposited in the office of the Secretary of State; that the Secretary of State cause said constitution, together with this resolution, and all the acts and resolutions of the General Assembly relating to this convention, to be printed and distributed according to law; and that said constitution be submitted to all the people authorized to vote for general

officers under the same, for their ratification or rejection, at town and ward meetings, to be holden in the several towns and in the city of Providence on Monday, Tuesday, and Wednesday, the twenty-first, twenty-second, and twenty-third days of March, A. D. 1842. The several town and city clerks shall issue the necessary warrants for said meetings. Said meetings shall be kept open for the reception of votes from the hour of nine o'clock in the forenoon, until seven o'clock in the afternoon; and in the city of Providence and town of Newport, until nine o'clock in the evening, on the days appointed. At said town and ward meetings every person voting shall have his name written on the back of his ballot; and said ballots shall be sealed up in open town or ward meetings, and, with lists of the names of the voters, shall be returned to the General Assembly at their session to be holden on the fourth Monday of March next.

Read and adopted, February 19, 1842.

THOMAS A. JENCKES, *Secretary*.

---

True copy of the original resolution deposited in the office of the Secretary of State.

Witness: HENRY BOWEN, *Secretary*.

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1841.

*Resolved by the General Assembly*, (the Senate concurring with the House of Representatives therein,) That the freemen of the several towns in this State, and of the city of Providence, qualified to vote for general officers, be, and they are hereby, requested to choose, at their semi-annual town or ward meetings in August next, so many delegates, and of like qualifications, as they are now respectively entitled to choose Representatives to the General Assembly, to attend a convention, to be holden at Providence on the first Monday of November, 1841, to frame a new constitution for this State, either in whole or in part, with full powers for this purpose; and, if only for a constitution in part, that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives.

*Resolved*, That a majority of the whole number of delegates which all the towns are entitled to choose shall constitute a quorum; who may elect a president and secretary, judge of the qualifications of the members, and establish such rules and proceedings as they may think necessary; and any town or city which may omit to elect its delegates at the said meetings in August, may elect them at any time previous to the meeting of said convention.

*Resolved*, That the constitution or amendments agreed upon by said convention shall be submitted to the freemen in open town or ward meetings, to be holden at such time as may be named by said convention. The said constitution or amendments shall be certified by the President and Secretary, and returned to the Secretary of State; who shall forthwith distribute to the several town and city clerks, in due proportion, one thousand printed copies thereof; and also, fifteen thousand ballots, on one side of which shall be printed "amendments," or, "constitution adopted by the convention holden at Providence on the first Monday of November last;" and on

the other side, the word *approve* on one half of the said ballots, and the word *reject* on the other half.

*Resolved*, That, at the town or ward meetings to be holden as aforesaid, every freeman voting shall have his name written on the back of his ballot; and the ballots shall be sealed up in open town or ward meeting by the clerks, and, with lists of the names of the voters, shall be returned to the General Assembly, at its next succeeding session; and said General Assembly shall cause said ballots to be examined and counted; and said amendments, or constitution, being approved of by a majority of the freemen voting, shall go into operation and effect at such time as may be appointed by said convention.

*Resolved*, That a sum not exceeding three hundred dollars be appropriated for defraying the expenses of said convention, to be paid according to the order of said convention, certified by its president.

True copy:—Witness,

HENRY BOWEN, *Secretary*.

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, May session, A. D.* 1841.

*Resolved by this General Assembly*, (the Senate concurring with the House of Representatives therein,) That the delegates from the several towns to the State convention, to be holden in November next, for the purpose of framing a State constitution, be elected on the basis of population, in the following manner, to wit: every town of not more than 850 inhabitants may elect one delegate; of more than 850 and not more than 3,000 inhabitants, two delegates; of more than 3,000 and not more than 6,000 inhabitants, three delegates; of more than 6,000 and not more than 10,000 inhabitants, four delegates; of more than 10,000 and not more than 15,000 inhabitants, five delegates; of more than 15,000 inhabitants, six delegates.

*Resolved*, That the delegates attending said convention be entitled to receive from the general treasury the same pay as members of the General Assembly.

*Resolved*, That so much of the resolutions to which these are in amendment, as is inconsistent herewith, be repealed.

True copy:—Witness,

HENRY BOWEN, *Secretary*.

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1842.

*Resolved by this General Assembly*, (the Senate concurring with the House of Representatives therein,) That the freemen of the towns in this State, in whose delegation to the convention called to frame a constitution vacancies have occurred since the meeting of that convention, or may hereafter occur, be requested to elect delegates to fill those vacancies at town and ward meetings, to be holden before or during the session of said convention; notice of such meetings to be given at least one day previous to the holding thereof.

True copy:—Witness,

HENRY BOWEN, *Secretary*.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1842.

AN ACT in amendment of an act entitled "An act revising the act entitled 'An act regulating the manner of admitting freemen, and directing the method of electing officers in this State.'"

Whereas the good people of this State having elected delegates to a convention to form a constitution, which constitution, if ratified by the people, will be the supreme law of the State: therefore,

*Be it enacted by the General Assembly, as follows:*

All persons now qualified to vote, and those who may be qualified to vote under the existing laws previous to the time of such their voting, and all persons who shall be qualified to vote under the provisions of such constitution, shall be qualified to vote upon the question of the adoption of said constitution.

True copy: Witness,

HENRY BOWEN, *Secretary.*

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly January session, A. D.* 1842.

*Resolved*, That so much of the resolution relative to a convention for making a constitution, passed at the January session, 1841, as requires the Secretary of State to cause one thousand copies of the constitution, and fifteen thousand ballots, to be distributed to the several town and city clerks, be amended, so that he shall cause five thousand copies of said constitution and twenty five thousand ballots to be distributed, in the same manner as is required by the aforesaid resolution.

*Resolved*, That said convention be authorized to appoint one or more days for voting on the adoption of said constitution.

True copy:—Witness,

HENRY BOWEN, *Secretary.*

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1842.

Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such constitution to be the supreme law, and have communicated such constitution unto this General Assembly: and whereas many of the good people of this State are in danger of being misled by these informal proceedings: therefore,

*It is hereby resolved by this General Assembly*, That all acts done by the persons aforesaid, for the purpose of imposing upon this State a constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.

*Resolved*, That the convention called and organized, in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this State, is the only body which we can rec-

ognise as authorized to form such a constitution; and to this constitution the whole people have a right to look, and we are assured they will not look in vain for such a form of government as will promote their peace, security, and happiness.

*Resolved*, That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people.

True copy:—Witness,

HENRY BOWEN, *Secretary.*

---

*Charge of the honorable Chief Justice Durfee, delivered to the Grand Jury at the March term of the Supreme Judicial Court, at Bristol, Rhode Island, A. D.* 1842. *Published agreeably to the following request:*

GRAND JURY ROOM, *March* 15, 1842.

The grand jurors respectfully tender to the honorable supreme judicial court their thanks for the learned and appropriate charge delivered to the grand jury this morning, by Mr. Chief Justice Durfee. Relating, as it does, to a subject upon which there is much diversity of opinion, but which all admit to be of momentous interest, the jurors think its publication would be useful at the present time, and do request a copy for the press.

Henry D'Wolf,
Howland Smith,
Samuel Sparks,
William H. West,
S. T. Church,
Robert S. Watson,
Thomas Wilson,
John J. Allin,
Jonathan Martin, 2d,
Ebenezer Grant,
Ira B. Kent.

---

GENTLEMEN OF THE GRAND JURY:

It is made our duty, by statute, to instruct you in the law relating to crimes and offences cognizable by this court, by giving you publicly in charge our opinion thereon. We are not at liberty to forego this duty, from any feelings of delicacy towards others, or for any considerations of a personal nature. A court is but the organ of the law; and when it speaks, it should announce what the law is, "without fear, favor, affection, or hope of reward." I use the language of the oath which you have just taken, gentlemen; for that oath does as truly express our obligations as a court, as it does yours as a jury.

The first duty which every person residing within the jurisdiction of this State owes to it, is that of allegiance. It begins with life—with infancy at the mother's breast; and if he continue an inhabitant or citizen of the State, it terminates only with the last breath which delivers the spirit over to its final account. Allegiance is a duty due on an implied contract—often, however, sanctioned by an oath, but none the less sacred in the absence of the oath—that so long as any one receives protection from the State, so long will he demean himself faithfully, and support the State. All persons, therefore, abiding within this State, and deriving protection from its laws,

owe this allegiance to it; and all persons passing through it, or visiting or making temporary stay therein, owe, for the time, allegiance to this State. One of the highest crimes of which a human being can be guilty, is treason; and treason necessarily involves a breach of allegiance.

From the following resolutions, and the matters to which they relate, there seems to be a peculiar necessity for my calling your attention to this subject at this time; for, as a court, it is not only our duty to try offences when committed, but to prevent them, if it can be done, by making the law known.

Those resolutions are in these words:

"STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
"*In General Assembly, January session, A. D.* 1842.

"Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such constitution to be the supreme law, and have communicated such constitution unto this General Assembly: and whereas many of the good people of this State are in danger of being misled by these informal proceedings: therefore,

"*It is hereby resolved by this General Assembly*, That all acts done by the persons aforesaid, for the purpose of imposing upon this State a constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.

"*Resolved*, That the convention called and organized, in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this State, is the only body which we can recognise as authorized to form such a constitution; and to this constitution the whole people have a right to look, and we are assured they will not look in vain, for such a form of government as will promote their peace, security, and happiness.

"*Resolved*, That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people.

"True copy:—Witness,
"HENRY BOWEN, *Secretary*."

Gentlemen, whatever I shall say to you touching these resolutions, and the proceedings to which they refer, shall be said with the full and entire concurrence of each member of this court. And it is peculiarly appropriate, in a case like this, that it should be known what the opinion of this court is; so that no man may become implicated in any offence against the State, without a full knowledge of the opinion of this court, as an independent branch of the government, in relation to the nature of the offence, and the law which it violates.

I therefore say to you, that, in the opinion of this court, such a movement as that described in these resolutions, is a movement which can find no justification in law; that if it be a movement against no law in particular, it is, nevertheless, a movement against all law; that it is not a mere movement for a change of rulers, or for a legal reform in government, but a movement which, if carried to its consequences, will termi-

nate the existence of the State itself as one of the States of this Union. I will now give our reasons for this opinion.

But, gentlemen, in addressing you upon this subject, I know not but that I am addressing those who have participated in this movement. If this be the case, I beg you, and all others with whom you may have acted, to distinctly understand me. Whatever language I may use to characterize the movement, it shall be but the language of the law; it shall mean no impeachment of your or their motives. I will concede to you and to them, if you choose, motives as pure and patriotic, legal attainments and talents as high, as those of the purest and greatest minds that this State ever produced; and still I say, with all proper deference to you and them, that you have mistaken your duties, and misunderstood your rights. Deem it not strange that calm lookers on can see where the error lies, better than those who are engaged in the heat of the movement. When great masses move, they move under the influence of excited feelings. When the object is to attain some great political good, real or supposed, the excitement takes for its law of action some ethereal abstraction, some general theoretic principle—true, perhaps, in its application to certain theoretic conditions of man, but utterly false in its application to man as he is—and endeavors, without regard to present social organizations, to carry that principle to its utmost consequences. Gentlemen, strong heads and patriotic hearts doubtless gave the first impetus to the French revolution; but does not the progress and issue of that bloody drama tell us that those abstractions, (in which they so freely dealt,) whatever might be their theoretic truth, became false and fiendish in their application? Do we not know that the very masses which were engaged in carrying them out, rejoiced when the iron rule of military despotism came, to deliver them from themselves, and from the incarnate demons which the movement had conjured up?

Gentlemen, when all men are angels, and of the same order, these abstractions may be true in all their consequences; but never in their application to man as he is.

With this explanation, I proceed to show the illegality of this movement, and the ruin that it portends. I repeat, that, however patriotic may be the intent, the legal effect of it is the destruction of the present State, and the construction of a new State out of its ruins.

Gentlemen, what is a State? I ask not for a poetical definition, but I ask for a definition which befits a court of law—which may befit the courts of the Union, in which we must be ultimately judged. Strange as it may seem, amid all the controversy which this movement has excited, I have not known this question to be asked, or a definition to be given. Such have been the jarring and confusion of the social elements, that the best minds seem to have uttered their thoughts only in fragments. What, I repeat, is a State? Think ye it is the land and water within certain geographical lines? The child may tell you so when he points at the map; but that is not the State, but only the territory over which the State has jurisdiction. Think ye it is a mere aggregate of neighborhoods within those limits? No, gentlemen, there is something wanting to give them distinctive unity. A mere proximity of habitations never made a State, any more than congregated caravans of Arabs when by night they pitch their tents together in the bosom of the desert. Think ye it is the aggregate of inhabitants within such limits? Never. It would be preposterous to call a mere collection of individuals within certain limits a State.

Regarded as a mere aggregate, they are still without unity, and have nothing whereby to bind them together, and enable them to act as an organized whole. No treaty can be made with them; no law can be enacted by them. Think ye that it is the mere rulers of those who have the legislative and executive power in their hands? This, indeed, comes something nearer to our idea of a State; and when we look upon governments abroad, we may look no farther. But surely this does not make a State here, at home, under the constitution of the United States. Here, we must not only find a government, but a people so bound together, colligated and organized by law, as to appoint rulers, and to reduce the innumerable wills of the multitude to a legal unit. I think I give you a true description of a State, when I say that a State is a legally organized people, subsisting as such from generation to generation, without end, giving, through the forms of law, the wills of the many to become one sovereign will. It is a body politic, qualified to subsist by perpetual succession and accession. It is a self-subsistent corporation, resting upon its own centre, and it is, under the constitution of the United States, bound, to a certain extent, in its entirety and in all its constituent individual elements, to that common central body politic, which is the corporate people of the Union, or body politic of States, whichever it may be. There is, and, from the nature of things, there can be, no sovereign people without law—without that unity which the law gives them, whereby they are enabled to act as one; and consequently there can be no sovereign will, that is not expressed through the forms of their corporate existence.

Now, can there be a doubt that this is a true definition or description of a State, and that it applies to this State as one of the States of the Union? Lest there should be a lingering doubt in some reluctant mind, I will verify this definition from the history of the State itself.

The first charter of this State was granted in 1643. It incorporated Providence, Portsmouth, and Newport, under the name of the incorporation of Providence Plantations, in Narragansett Bay in New England. Warwick was subsequently admitted. It was then that the inhabitants of this State first became a corporate people, but dependent on the mother country. In 1660 this corporate people, by their agents, petitioned their sovereign for a new charter. On this petition the charter in our statute-books was granted, and, by the same corporate people, in November, 1663, accepted as their charter or form of government. This charter declared that certain persons named therein, and such as then were, or should thereafter be made free of the company, a body corporate and politic, in fact and name, by the name of the Governor and Company of Rhode Island and Providence Plantations in New England, in America, and by the same name that they and their successors should have perpetual succession. Now, here was a corporation, and the freemen constituting it continued their corporate existence, subsisting by succession, still dependent upon the parent government, exercising the powers in the charter granted, holding property of all sorts as a corporate people down to the Revolution. It was then that those aggressions and claims of the King of Great Britain, which are set forth in the declaration of independence, and which were enforced or attempted to be enforced by the bayonet, threw this corporate people upon the natural rights of self preservation. They resisted as a corporate people. It was in the prosecution of this justifiable defence, that this corporate people found it necessary to cut the bonds which bound it to the mother country. It did so.

It was its own act, performed by its delegation in Congress, by its legislative body, and by the corporate people itself, in every legal form in which it could act. It was this act, and this alone, that made us a self-subsistent corporation, body politic, or State. It was this people, acting in its corporate capacity, or by its members, as members, through prescribed forms, that subsequently adopted the constitution of the United States, whereby this State became a member of the Union, and its citizens citizens of the United States.

Does not the history of this State, gentlemen, verify the definition which I have given? Is a State anything but a self-subsistent body politic and corporate, designed to continue its existence, by succession and accession, through all time? If it be anything else, I neither know nor can conceive what it is. But if it be this, whatever there is of sovereignty must be found in the body politic and corporate, and nowhere else.

But it has been lately said by some whose opinions are entitled to great respect, that, on the separation from the parent government, a subsequent assent of the natural people was necessary to continue the sovereign power in the corporate people, and that all right in the latter to govern ceased and pssed to the aggregate, unorganized mass of individuals. Gentlemen this cannot be so. The act of separation was the act of the corporate people; and all that was acquired by that act, was acquired by the corporate people, and could be acquired by none but a corporate people. None but a corporate people has the capacity to receive and exercise sovereignty. The natural people have not the capacity to inherit or succeed to sovereignty, though they may create it by compact, all being parties; or by force, where there is no superior power to impose restraint. A sovereign will is a unit, is a mere legal entity; it has nowhere, in any civilized country, any existence independent of law. In the constitutional monarchies of Europe, it has a mere legal existence; hence the legal maxim in England, that the sovereign never dies, and can do no wrong. The moment that the sovereign will ceases to be a legal will, and becomes a mere personal will, you have nothing but a master and a body of slaves; you have no State at all, but only the semblance of one.

The sovereign will is a unit. The moment you divide it, you destroy it; and could such a unit pass to thousands of individuals, isolated, independent, and bound together by no common law, as the natural state supposes, and still continue to exist as a unit, as a one, sovereign will? Never, gentlemen; to pass it to the unorganized mass, is to destroy it. And how fallacious the idea that the sages of seventy-six annihilated, reduced to nothingness, the sovereignty of every State of this Union, in and by the very act which declared them sovereign and independent! What became of the confederation? What became of the Congress that made the declaration?

Truly, gentlemen, some strange infatuation has seized upon the age, if we can believe that, when the Congress of seventy-six declared these colonies (in the words of the declaration) free and independent States, and that they had full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other things which independent States might of right do—that, at that very moment, every one of these States ceased to exist, and crumbled into their natural elements. No, gentlemen, our fathers understood themselves better than their children appear to understand them. Well may we humble ourselves in the presence of their memory, when we find such strange hallucinations seizing upon the wisest and best of us.

They have made large demands upon the admiration of their children; let us take care we do not make demands, equally large, upon the pity of ours. Gentlemen, the definition is correct; it is true to history; and it is true to the Declaration of Independence; and it is true to the constitution of the United States, which, according to its intent, this State, as a corporate people, adopted by its convention.

Gentlemen, let us not deceive ourselves by the various forms which this sovereignty puts on, to carry its will into effect. The government in all its departments, legislative, executive, and judicial, is but the exterior form which this sovereignty puts on, in order to preserve itself and to exercise jurisdiction over its peculiar territory, and all persons and things within it. It is in this way that it extends protection to the whole people, and to every individual man, woman, and child within its jurisdiction, and makes them all one with the corporate people, except in the mere exercise of the right of voting. I have recently heard the phrases "the legal people," "the physical people," repeated by those whose opinions are entitled to respect, as if there was a distinction between them. Gentlemen, we are all the legal people—we are all the physical people. Every man, woman, and child, not of foreign birth, domiciled within this State, is a citizen of this State, and for that reason also a citizen of the United States. Every man, woman, and child has the protection and benefit of all its laws, without distinction; and, for that reason, every one owes it allegiance and fidelity. No one within this jurisdiction can lawfully renounce this allegiance, and transfer it to another sovereignty, whether created within this State's jurisdiction or elsewhere. For this reason, each one and all are the legal people of this State, and are so regarded both by the laws of this State and the laws of the United States. We cannot recognise the distinction as having any just foundation in fact or law. The error lies in the misapplication of language. It is apparent that what they mean, who use the phrase "legal people," is the corporate people. By thus limiting a large and comprehensive phrase, a confusion of ideas is produced, and nothing is distinctly seen. The language seems to imply that all who are not the legal people, in this limited sense, are the illegal people, or people without law and in the natural state, and entitled, therefore, to rely on their physical force; and this idea seems to be strengthened and confirmed by denominating them the physical people. We may all have misapplied these phrases. I myself may have misapplied them, for I make no pretensions to being better or wiser than others. But if we have misapplied them, let us misapply them no longer; let us recollect that the legal people and the physical people are the same great whole.

But, gentlemen, if it be true that the corporate people are the sovereign people, and the forms of government but the instruments of its will—what follows? Why, the moment that the corporate people ceases to exist as such, everything is resolved into its natural elements. This corporate people, whilst it exists, may, of its own will, and through the forms of law, which it prescribes by its legislature, put on as many different forms of government, not conflicting with the constitution of the Union, as it chooses. Its power for that purpose is ample, unquestionable. It may change its form as thoroughly and as often as the fabled Proteus; it may extend the right of suffrage to every man, woman, and child; and still remain the same legal entity, the same State. But the moment the corporate people of Rhode Island cease to exist as such, whether by force, fraud, or voluntary death, corporate Rhode Island herself ceases to exist—the State is gone. Yes, one of the good old

thirteen is gone forever. You may close the grave upon her; you may write "*hic jacet*" upon her tomb; she lives only in history.

It may be asked whether the natural people have not their natural rights, and whether one of these is not the right of establishing a government of their own? I answer, that if we grant you that the people have a right to violate their allegiance, resolve themselves into the supposed natural condition of man, and to establish a new State and government; and if we even admit that it has already, in this particular instance, been done—it does not at all relieve us, under the constitution of the United States, from the appalling fact that the old State has ceased to exist, and that the new State is not a member of this Union. We, as the natural people, have accomplished a revolution, in which we have originated a new sovereignty, which utterly disclaims all connexion with that corporate Rhode Island which uttered the declaration of independence and adopted the constitution. And how can we claim to take her place? How can we, as citizens of such a State, be citizens of the United States?

I have heard much, of late, about the right of revolution; and there is no doubt but that, in those cases where a people, by the oppression and violence of their rulers, are thrown upon the natural right of self preservation, this right exists, may be exercised, and a revolution be justified. But, however justifiable it may be, we should always recollect that, if it be revolution, it *is* revolution, and nothing but revolution. There is no possibility of making it half revolution and half not. If you resort to revolution, you must adopt it, with all its consequences, be they never so calamitous. These calculations are to be made at the commencement of it, and weighed against the evils which it is proposed to remedy.

Thus, gentlemen, if everything be conceded that we can ask for—if it be conceded that we have quietly put down the present corporate Rhode Island, and that we have succeeded in establishing this earth-born prodigy in her place—what have we done, but broken our allegiance to our legitimate State, broken our allegiance to the United States, and accomplished our complete outlawry from the Union?

But perhaps we may hope that the General Government will, without inquiry whether we be or be not the legitimate State, recognise the government in fact (in legal phrase *de facto*) as the State. I am apprehensive that in this hope we shall be disappointed. Such a recognition would present a question of constitutional law, affecting every State in the Union. This could not be avoided; but if it could, it would still present a question of policy, equally certain to be decided against us. True it is, that the Government of the United States does recognise the government *de facto* of a foreign country as the legitimate government or state. And it does so from policy. The Government of the Union, having no fundamental principle in common with the monarchies of Europe, and in its anxiety to avoid an embroilment in their concerns, recognises those as the government of any country who exercise the powers of government, without questioning the legitimacy of their claims. But how is it with the monarchies of Europe among themselves? What is necessarily their policy? Why, whenever a revolution is effected in any one of them, upon principles which endanger their ideas of legitimacy, or the permanence of their institutions, millions of swords at once leap from their scabbards, cities are wrapped in flames, fields are deluged with blood, and heaped with slaughtered thousands. Think you that it was out of compassion to an exiled Bourbon that Europe consumed one whole generation in blood and carnage? No, gen-

tlemen; the struggle commenced with sustaining their ideas of legitimacy, in which every monarchy of Europe was interested, and terminated in their triumph.

And how much more deeply interested will every State in this Union be—all subject as we are to the same common constitution and government—in a question of State legitimacy? For what is the principle to be established by the recognition of the new government as the State? It presents itself in these facts. A portion of the people of this State claimed a further extension of suffrage, and an equalization of representation for the benefit of several towns. This the Legislature did not grant at their request; but called a convention, with a view of establishing a constitution which might meet every reasonable demand. This I believe to be about the extent of our grievance. And now, before that convention had accomplished their task, we, backed by the physical force of numbers, take the powers of government into our own hands, frame a constitution, declare it to be the supreme law of the land, and overturn, not merely the government of the State, but the State itself. Now, as a mere matter of policy, could the delegations of the several States in Congress establish the principle, that, because of such a grievance, mere numbers are above law, and have a right to overturn the State of which they are citizens? Let us try to call this a grievance, and then how many thousand grievances are there, of greater magnitude, in every State? And if they are to be in this way redressed, the stability of our institutions is at an end. Have we no questions touching domestic servitude? None touching the social relations? None touching the most active and powerful of all principles, conscience and religious faith? May not protestantism, in a moment of infatuation and alarm, in this manner establish itself as the religion of the State? May not Romanism then rally, put down protestantism, and establishing itself in turn, nail the cross to every steeple, place a priest at every altar, and a teacher in every school, and compel us to support all by taxes? May not the unequal distribution of property in some States be found a grievance? May not banks in others become obnoxious? May not certain forms of taxation become odious? May not the debts of the State bear heavily? Let this principle of revolution, by an unauthorized and irresponsible movement of masses, become an element of the constitution of the Union, and any State may be overthrown, upon any pretext or petty grievance, real or supposed. And can any one believe that, from policy, the Government of the Union would recognise such a principle? Never, gentlemen, never—until that Government, desirous of bringing about a consolidation of these States, chooses to put every element of disorganization into operation upon them.

But if the new government cannot be recognised from policy, the next question is, can it be recognised on legal and constitutional principles? What says the constitution? "New States may be admitted by Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, without the consent of the Legislatures of the States concerned, as well as of the Congress." Is it said that this provision contemplates a case where only a part of the State's territorial jurisdiction may be occupied by the newly formed State? Very probably the framers of the constitution had such a case in mind; but so much the worse for the case in hand. Does not an article which forbids any part of a State's territory being so appropriated, for a stronger reason forbid the occupation of the whole, and the absolute destruction of the legitimate State? Can you take

the whole without its parts? Gentlemen, it will not be respectful to your good sound common sense to spend a moment's time on this point.

Again: by an express provision of the same constitution, almost immediately following the above, and to be considered in connexion with it, the United States are bound to guaranty to every State in this Union a government, and a republican form of government. Will this guaranty be fulfilled by suffering this government to be annihilated—and annihilated by a power which, by the very terms of the article first above mentioned, can no more be recognised as corporate Rhode Island than Texas or Algiers?

Tell us not of the admission of Michigan. Michigan was a Territory. No pre existent State was subverted. We know of nothing in the constitution that forbids Congress bestowing upon any Territory that State form of government which is guarantied to every State; and which, if reduced by this movement, to the condition of a Territory, it may be our humiliating lot, in some way, to receive at their hands.

But, gentlemen, Congress is not the only tribunal before which we shall have to appear. It is the peculiar province of the Supreme Court of the United States to decide, in the end, all constitutional questions, and questions touching State rights. I will, therefore, state to you what must necessarily, according to the common course of judicial proceedings, be the process by which this question will be determined in the courts of the Union. When the existence of a State has been constitutionally recognised, the courts of the United States may well recognise the government *de facto* as the government *de jure*—in other words, the government in fact as the government in law. They may well enough presume that those who exercise the powers of the State are the legal officers of the State, and leave the question of the legality of the election to be settled by the State functionaries appointed to that special duty; but, before there can be any such presumption, there must be a State—a State known to the constitution and laws of the Union. There is no such thing as presuming the existence of such a State. A *de facto* State is, as truly as a *de facto* corporation, an absurdity in terms. A State must have its fundamental laws or constitution known to the constitution of the Union, of which it is a member, and in accordance with it; and to talk of a *de facto* law, is to talk profound nonsense.

To prove, then, the existence of the new State, or even to prove the existence of any of its officers, you must present to the Supreme Court of the Union this instrument which has been proclaimed as the supreme law of this State, and you must show that it had a legal origin.

The question will not be, who voted for it? or how many? but what right anybody had to vote for it at all, as the supreme law of Rhode Island?

In the records of the true constitutional State of Rhode Island, you can nowhere find any law, any authority, countenancing such a proceeding.

This the friends of the supposed constitution must themselves confess. Indeed, they must boldly avow that it was not only voted for without any such authority, but against the whole body of the legislation of the State, whose fundamental laws have all been recognised, directly or impliedly, by the constituted authorities of the Union, and by the very court that will be called upon to decide this question. And can we think that this court will lose its firmness, and tread back its steps, on account of the delusion of some ten or fifteen thousand persons in this State, and establish a con-

stitutional principle of disorganization, which must eventually become predominant in every State, and reduce all to ruin? It is folly to anticipate such a decision, and wickedness to hope for it.

This pretended constitution, then, does not spring from constitutional Rhode Island—from that Rhode Island known to the constitution of the United States as the State of Rhode Island and Providence Plantations; it is without legal authority, and of no more value in the courts of the Union than so much blank parchment. You are then without a constitution—you are without fundamental laws—you have no officers that can be recognised as officers *de facto*, for there are no legal and constitutional duties for them to discharge. You have no legislature—no State legislation;—in one word, you have no State, and are reduced to the condition of a mere Territory of the Union, without the benefit of Territorial laws.

Now, gentlemen, what are the consequences? it is well worth while to inquire We stand upon the brink of an awful gulf. We are about to take the leap; and we may well feel some anxiety to look down into it, and obtain a glimpse of what sort of a Tartarus it is into which we are about to make the final plunge.

Gentlemen, I will whisper a few questions to you—all of which, I dare not, for the peace of this State, answer even in a whisper. There is too much combustible material in this wide spread Union—too many daring and reckless adventurers of all sorts.

Gentlemen, it is the faith of the untutored savage, that certain birds of the air, and beasts of the desert, are endowed with something like a prescience or foreknowledge of the coming banquet which human strife is to provide, and that, some days in anticipation of the event, they come from all quarters of the heavens, and from all the far depths of the forest, and, congregating in the neighborhood of the appointed place, eagerly await the approaching carnage. I do not want to be heard or understood by such as these; therefore, will I not answer all the questions that I may put, but simply show you that there are such questions.

When corporate Rhode Island ceases to exist, what becomes of her delegation in Congress? What becomes of her bill in chancery, which she filed, claiming through her charter, and through that only, a portion of territory within the jurisdictional lines of Massachusetts? I mention this, not for its importance, but for its illustration; and because, in the event supposed, the question must necessarily arise. What becomes of the public property of all sorts? Your court houses? Your jails? Your public records? Public treasury, bonds and securities of all sorts, which belong to the present corporate Rhode Island, and to her only, and can pass from her only by her legislative consent? What become of the actions now pending on the dockets of every court in this State—bills of indictment, for crimes committed, or that may be committed? What become of your State prison, and your convicts, from the wilful murderer to the petty thief? What become of your corporations of all sorts? Of your corporate towns and their records? Nay, are there not questions touching life, liberty, and individual property? I dare go no farther; perhaps I have already gone too far. But, whatever answer may be given to these questions, (and answered they must ultimately be in the Supreme Court of the Union,) the bare fact that these questions must be raised, tried, and decided, is sufficient to send a thrill of horror through the heart of every man, woman, and child in this State.

And all this for what? For if revolutions may be justified, we may well put the question. It is said to be for an extension of suffrage and an equalization of representation. How many of you have ever felt the want of this to be so great as even to sign a petition to the General Assembly on the subject? If this be a grievance at all, is it not the merest trifle, compared with the calamities through which we must pass, in order to redress it in the mode which this movement has proposed? If it be a grievance, it has scarcely been felt, and a legal and legitimate remedy is already before you from the State's convention. Is there any other? Did we ever petition this Government for any favor which reasonable men might ask for—no matter what party was in power—that was not cheerfully granted? Are we overtaxed by this State? Is there any oppression which can be named to justify a revolution? Have not we and our fathers all lived in peace and happiness under the laws of this State, from its first establishment to the present day? Did not our fathers establish themselves here in a howling wilderness, and, under the protection of that distinctive principle of their government, religious liberty, enjoy peace, and quiet, and happiness, whilst the sister colonies were shedding blood, and persecuting their fellow-men for conscience sake? Did they not, under this State, and for this State, utter the declaration of independence, and, led on by her Greenes and Olneys, go forth in array of battle, and shed their blood on a hundred fields? Did they not gloriously and triumphantly secure to us the rights which we ever since have and now enjoy under the protecting laws of this State? But they have done their work—they have passed through the toils and sufferings of their day, and laid them down in the quiet grave, where the wicked cease from troubling and the weary are at rest. They have left the fruits of their labors as an inheritance to us. May their sainted spirits join with us in a prayer to the Almighty Father of all spirits to save us from this fatal delusion!

Gentlemen, the meaning of the word *revolution* in this case is very different from its meaning when it designates the conflict between the colonies and the mother country. That was a conflict between corporate bodies on this side of the Atlantic, against corporate Britain on the other. But revolution in this case means a conflict among the very elements of society. It proposes to realize, here in Rhode Island, the horrors of the French revolution. It proposes to arm neighbor against neighbor, friend against friend, brother against brother, father against son, and son against father—and all this for what? Can any one tell us?

We may flatter ourselves that we are a people too enlightened and too good to pass into the excesses which have marked revolutions in every age. But, gentlemen, in all ages of the world, and in all countries, excited passion, in its extremes, is the same; the individual man, however enlightened and good he may be as an individual, is merged in the mass to which he belongs; he loses his freedom; he blends with it; whilst the mass itself becomes a mere brute force, which, under the influence of the idea or passion which actuates it, goes on and on—heedless of the ruin which it makes, heedless of its own destiny, to its final dissolution or utter annihilation. Would to God that men would learn something from history! But it has been well observed, that we ever place the lantern in the stern, and not at the prow. It sheds its light only on the tumultuous billows of the past. We there see the wrecks of nations that have committed themselves to anarchy, tossing and heaving on the stormy surge. Yet on we go, exulting in our superiority over our predecessors, heedless of the rocks

beneath the bow, until the billow on which we are borne sinks beneath us, and dashes us into fragments.

It may be thought that I am indulging in feelings not usual to the bench; but, gentlemen, there are occasions when humanity may be excused for rising above the petty etiquette of official dignity—when the formalities of the judge may be lost in the realities of the man. And if ever such an occasion presented itself in any State, it now presents itself in this. It would be our duty as good citizens, but it is imperiously our duty as sworn conservators of the peace, to tell you what is law, and what is not law. This duty we are not at liberty to forego.

I therefore say to you, and all others duly qualified, that it will be lawful for you to vote on the constitution now submitted to you by the State's convention; and that, if it be adopted, any person in this State commits a breach of allegiance who wilfully fails to support it. If it be not adopted, it will be our duty still to adhere to that compact of our ancestors called the charter, as that sheet-anchor at which our beloved State has triumphantly ridden out many a storm, and can as triumphantly ride out this. And as to that instrument called "the people's constitution," however perfect it may be in itself, and however strong may be the expression of public opinion in its favor—yet, standing, as it does, alone and without any legal authority to support it, it is not the supreme law of this State; and those who may attempt to carry it into effect by force of arms, will, in the opinion of this court, commit treason—treason against the State—treason, perhaps, against the United States; for it will be an attempt, by the overt act of levying war, to subvert a State, which is an integral part of the Union; and to levy war against one State, to that end, we are apprehensive will amount to the levying of war against all.

Gentlemen, do not misapprehend us; we make not this declaration by way of denunciation or threat, but simply because it is our duty to declare the law. As a court of law, were it even in our power, we would not act on any man's fear, save on that fear of which every good citizen may be proud—the fear of doing a wrong or illegal act. And we make this declaration with the hope that those gentlemen who have engaged in this movement—for many of whom a personal acquaintance enables us to cherish sincere respect and esteem—will be induced to pause and to reflect—to reflect deeply. We admit their courage; but may they use it in a good cause, and, without following the example, adopt the sentiment of Macbeth, when urged to commit treason and murder—

> "I dare do all that may become a man;
> Who dares do more, is none."

---

*By his Excellency* SAMUEL WARD KING, *Governor, Captain General, and Commander-in-chief of the State of Rhode Island and Providence Plantations.*

A PROCLAMATION.

Whereas sundry persons, citizens of this State, or residents within the same, are conspiring and confederating to usurp the government thereof—are deceiving and seducing honest and well meaning citizens, under various pretences, to engage in said criminal enterprise, contrary to the

laws in such case made and provided: And whereas the General Assembly of our said State, at the session holden on the fourth Monday of March last, passed and enacted the following resolution, viz:

"*Resolved*, That his excellency the Governor be requested to issue his proclamation to the good people of this State, exhorting them to give no aid or countenance to those who, in violation of the law, may attempt to set up a government in opposition to the existing government of this State, and calling upon them to support the constituted authorities for the preservation of the public peace, and in the execution of those laws on which the security of all depends:"

I do therefore issue this my proclamation, warning and admonishing all faithful citizens who have been led without due knowledge or consideration to participate in the said unlawful enterprise, to withdraw from the same without delay; and requiring also all persons whomsoever, engaged or concerned in the same, to cease all further proceedings therein, as they will answer the contrary at their peril:

*And I hereby* enjoin and require all judges, justices of the peace, sheriffs, deputy sheriffs, and constables, and all military officers, within their respective departments, and according to their several functions, to be vigilant and firm in detecting and bringing to condign punishment all persons engaged or concerned in such enterprise.

*And furthermore*, I do hereby exhort all the good people of this State, that they give no countenance to said unlawful enterprise; but that they do, by their advice and example, aid and support the civil authority in its exertions to suppress all unlawful combinations, and maintain the peace and dignity of the State.

In testimony whereof, I have caused the seal of said State to be affixed to these presents, and have signed the same with my hand. Given [L. S.] at the city of Providence, on the fourth day of April, in the year of our Lord one thousand eight hundred and forty two, and of the independence of the United States of America the sixty-sixth.

SAMUEL WARD KING.

By his Excellency's command.

HENRY BOWEN, *Secretary of State.*

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

IN GENERAL ASSEMBLY, *March session*, 1842.

*Report of the committee on the action of the General Assembly on the subject of the constitution.*

The committee to whom was referred the joint resolution, requiring them to report to this Assembly a statement of all the important facts connected with the formation and rejection of the constitution lately submitted to the people of this State for approval or rejection, and also to report their opinion whether any legislation on said subject is now necessary, and, if any, what; beg leave to report:

That those who have set themselves in opposition to the government of this State have pretended that it was an aristocracy, and not republican in

its form. On the contrary, your committee have no hesitation in asserting that this State, from its settlement, has possessed a democratic form of government.

The first charter obtained under the authority of the Parliament of England in 1643-'4, and the last charter obtained in 1663, from Charles the II, secured to the people of this State the right of self-government. Under that form of government, which has descended to us from the patriarchs of the colony, the people have enjoyed a degree of civil and religious freedom which has never been exceeded, and seldom equalled, in any other State.

This form of government has been found sufficient in peace and in war—in times when our people acknowledged allegiance to the crown of England, and since the declaration of independence. Under this form of government the people of this State became parties to the declaration of independence, to the union of the States under the confederation, and to the constitution of the United States, under which we have enjoyed so much prosperity and happiness.

The charter of 1663 having fixed the representation of the towns, without any reference to their subsequent population, the altered circumstances of the State have produced an inequality of representation from the towns in the House of Representatives, which has created some dissatisfaction in that portion of the State which has most increased in population. Within the last eighteen years three attempts have been made to form a constitution of government for this State, under the sanction of acts of this General Assembly.

These attempts have failed in two instances by the vote of the people, in 1824 and in 1842, and by the failure of the convention in 1834 to form a constitution.

This General Assembly has thus manifested a disposition to afford every facility to the people of this State, which was necessary to enable them to repeal or reform, or remodel, at their pleasure, their fundamental laws. The unequal representation of the towns has not therefore influenced this General Assembly, so as to prevent the action of the freemen at large on this subject. And as a further instance of the liberality of this General Assembly, in the last attempt that was made to form a constitution, the basis of representation in the convention was altered, by an act of the Assembly, so as to render the people more equally represented in that body which was to form the constitution.

In the attempts to form a constitution in 1824 and 1834, but very few were desirous of changing the freehold qualification for the right of suffrage. In the convention of 1824, Mr. Pearce made a motion to extend the right of suffrage to persons who did not possess a freehold; which was almost unanimously rejected, three only voting in its favor. In 1834 a similar motion was made by Mr. Dorr, and but seven voted in its favor.

At the January session of the General Assembly, 1841, a memorial from the town of Smithfield was referred to a select committee of the House of Representatives, of which the Hon. Asher Robbins was chairman, who, in behalf of said committee, reported as follows:

"The select committee to whom was referred the memorial of the town of Smithfield, praying this General Assembly to 'take the subject of the extreme inequality of the present representation from the several towns under consideration, and in such manner as seems most practicable and just to correct the evil complained of,' have had the same under consideration;

and the committee, believing that the regular and rightful way of obtaining the object prayed for is by a convention of the freemen of the State, acting in their sovereign capacity on the subject, report the following resolution for adoption:

"*Resolved by the General Assembly*, (the Senate concurring with the House of Representatives therein,) That it be recommended to the freemen of the State, at the several town meetings in April, to instruct their representatives as to their wishes for a State convention to frame a new constitution for this State, in whole or in part, with full power for that purpose."

After some remarks from several members, on motion of Mr. Robbins, on the 5th of February, 1841, this resolution was recommitted, to report in the morning, and the report was made the order of the day for the morrow. On the next day the memorial of the town of Smithfield was taken up, and the resolution as amended by the committee; and after considerable debate on the question, whether the freemen should be called upon first to instruct their representatives on the subject of calling a convention, or whether the General Assembly should pass a bill, as heretofore, immediately for calling a convention, the latter course was adopted. Resolutions were then passed by this General Assembly, requesting the freemen to choose, in August, delegates to attend a convention to be holden at Providence on the first Monday of November, A. D. 1841, to frame a new constitution for this State, either in whole or in part, with full power for this purpose; and if only for a constitution in part, that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives.

At this January session, printed petitions were presented, signed by about six hundred persons in all, as follows:

*To the Hon. the General Assembly of the State of Rhode Island:*

The undersigned, inhabitants and citizens of the State of Rhode Island, would respectfully represent to your honorable body, that they conceive that the dignity of the State would be advanced, and the liberties of the citizen better secured, by the abrogation of the charter granted unto this State by King Charles the Second of England, and by the establishment of a constitution which should more effectually define the authority of the executive and legislative branches, and more strongly recognise the rights of the citizens. Your petitioners would not take the liberty of suggesting to your honorable body any course which should be pursued, but would leave the whole affair in your hands, trusting to the good sense and discretion of the General Assembly.

Your petitioners would further represent to the General Assembly, that they conceive that an extension of suffrage to a greater portion of the white male residents of the State would be more in accordance with the spirit of our institutions than the present system of the State; and for such an extension they ask.

Your petitioners would not suggest any system of suffrage, but would leave the matter to the wisdom of the General Assembly.

Upon both the prayers of your petitioners they would ask the immediate and efficient action of the General Assembly, and, as in duty bound, will ever pray.

[Signed by Elisha Dillingham, and about 580 others]

The prayer of these petitions was answered by the action of the Assembly on the Smithfield memorial. Any extension of the right of suffrage was most proper for the people acting by their delegates in convention. Such a convention the General Assembly had every reason to believe would be formed under the resolutions which they had adopted.

At the last May session of this General Assembly, Mr. Mowry, of Smithfield, submitted a resolution, that the resolution for a convention to form a constitution for the State be amended, so as to elect the members in proportion to the number of delegates the towns would severally be entitled to, according to the last census, not exceeding six to one town.

Mr. Atwell then said (if he has been reported correctly) that, in connexion with the resolution he would call for the petition of Elisha Dillingham and others for extending suffrage, presented at the last session; as he thought, when settling as to how many delegates should be elected, we should inquire as to who should elect those delegates.

Mr. Ames advocated the passage of Mr. Mowry's resolution.

The resolution of Mr. Mowry was adopted by the House, by a vote of 48 to 20.

The next day Mr. Atwell presented a bill which he had been requested to offer, as meeting the views of a large portion of our citizens. It provided for a new apportionment of representation, and an extension of suffrage in choosing delegates for the convention to frame a constitution.

Mr. Atwell (according to the published report) said he was not then prepared to say he could go the length the friends of the bill proposed. He wished the bill read and referred to the Committee on the Judiciary, to report in June; and the bill was so disposed of.

At the last June session (according to the published account) Mr. Atwell made a minority report from the Committee on the Judiciary, to whom was referred the act sent to the House as aforesaid. The substance of the report was, that every white male citizen of the United States, over 21 years of age, who has resided in this State two years, and in the town or city where he is to vote for six months next preceding the town meeting, and who has paid a tax on real estate or personal property for one year previous to the time of voting, shall be allowed to vote for the choice of delegates to the convention appointed by the General Assembly to meet in November next, for the purpose of forming a constitution, except persons insane, under guardianship, and convicts.

There was much debate in the House, growing out of this report; some denying the power of the House to pass such an act; others admitting the power of the House, but denying its propriety. The report was defended as to the power of the Assembly, and the propriety of such an act. On the question, fifty two voted against the act proposed by Mr. Atwell, and ten in its favor.

Mr. Spencer, who voted against the act, said that the proper course for those who wished for an extension of suffrage is to go to the convention appointed for the purpose of considering that subject with others; and if they found no redress there, then the proper course would be to come here.

This course, so plain and proper, was not adopted; on the contrary, measures were taken to extend suffrage by the act of those who, by law, were not entitled to suffrage, by a movement revolutionary in its character, and without any such necessity or oppression as must exist to justify revolution.

The refusal of the General Assembly to extend the right of electing delegates to the convention, to persons who were not qualified electors by the fundamental laws of the State, has been alleged as a justification for the convention which formed what they have been pleased to term the people's constitution.

Measures, however, were taken before the June session, by the friends of the suffrage movement, to organize a convention by their own authority.

In May last, at a large meeting in Newport, under the auspices of the suffrage association, measures were taken for calling a convention of the people, without any regard to the fundamental laws of this State, which, for nearly two hundred years, have required the possession of a freehold to entitle a person to be admitted to the exercise of political power, and to be a member of the body politic and corporate. A portion of the people responded to the call of this unauthorized body, and met in the several towns to choose delegates to a convention to form a constitution for this State, to be holden at Providence October 9, 1841.

This was in anticipation of the lawful convention which was to meet on the first Monday of November last.

The unauthorized convention assembled in Providence at the time appointed. They were the delegates of a minority of the people, in whatever sense the word "people" may be understood. A small portion of the freeholders joined in this irregular election; and, although all persons were admitted to vote who chose, not more than about seven thousand two hundred votes gave any appearance of sanction to this convention. The number of white male citizens of the United States resident in this State, over 21 years of age, exceed 22,000.

Such was the authority upon which this convention assembled and proceeded to act. It has been generally supposed that this convention proceeded simply without law, and not against law; but as they assumed the authority which, under the laws of this State, was to be exercised by another convention, chosen by the freemen for that purpose, they acted in opposition to the law under which the lawful convention was called, in violation of the right which belonged to the legally qualified electors, to make a constitution for this State; and their doings were not only *without law*, but *against law*.

This unlawful convention, elected by a minority of the people, proceeded to the solemn work of forming a constitution to be proposed to the people of this State, and also exercised one of the most important powers of sovereignty; of their own authority, they decided what portion of the people should, and what portion should not, vote upon the adoption or rejection of the constitution. At meetings holden under their authority, their constitution was submitted to those whom they pleased to recognise as the people. It was voted for, during three days, in open meetings; and three days by votes collected from all quarters, by any person or persons, and brought to the pretended moderator, and with no opportunity for detection of frauds. Votes thus collected and counted, by their own mode of computation, they have declared to have been given by a majority of the people; and, by the same usurped authority, have proclaimed their constitution to be the supreme law of this State.

The lawful convention met at the time appointed, on the first Monday of November last. On the question of suffrage, they decided to admit persons to vote who did not possess a freehold qualification. They decided not to

admit, in future, the eldest sons of freeholders as qualified voters. On the question, what personal property qualification would be required? there were three propositions: one proposing five hundred, another three hundred, and another two hundred dollars. The vote being taken on the largest sum first, it was decided in favor of this. On further reflection, it was ascertained that rejecting the eldest sons, and requiring a personal property qualification of the value of five hundred dollars, would not be an extension, but a diminution of the number entitled to vote. At this period of their deliberations the convention adjourned, to meet again on the 14th of February, to ascertain the sentiments of their constituents on this fundamental question. Before this time, however, the suffrage convention completed their work, and declared their constitution the supreme law. At the session of this General Assembly, in January last, they communicated their constitution and their declaration to the General Assembly. At the commencement of the January session, Mr. Atwell, who had been a member of the suffrage convention, introduced an act reciting the fact of the adoption of the suffrage constitution by a majority of the people, and its having become the supreme law, and requiring this General Assembly to yield up its authority to the new government which was to be formed under it.

This step being found too bold to meet with any countenance in this Assembly, he afterwards made a motion to inquire how many of the legally qualified voters in the State had voted for this constitution. This motion did not prevail. The Legislature was not disposed to sanction, in any manner, the doings of this convention, or the voting under their authority. The following resolutions were then passed by the General Assembly, with much unanimity—but seven voting against them:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1842.

Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such constitution to be the supreme law, and have communicated such constitution unto this General Assembly: and whereas many of the good people of this State are in danger of being misled by these informal proceedings: therefore,

*It is hereby resolved by this General Assembly*, That all acts done by the persons aforesaid, for the purpose of imposing upon this State a constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.

*Resolved*, That the convention called and organized in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this State, is the only body which we can recognise as authorized to form such a constitution; and to this constitution the whole people have a right to look, and we are assured they will not look in vain, for such a form of government as will promote their peace, security, and happiness.

*Resolved*, That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people.

True copy:—Witness,
HENRY BOWEN, *Secretary.*

This General Assembly, though they considered this pretended constitution as a nullity, yet were disposed to consider the number of persons who had voted for it as expressive of an opinion in the community that the right of suffrage should be very liberally extended. A bill was introduced into the Legislature, providing for such an extension of suffrage as was afterwards adopted by the legal convention. It was, however, deemed improper, by many, that this should be done by the General Assembly, and especially as the freemen had already sent delegates to a convention to decide upon this matter. As a substitute for this bill, and with a view to conciliation, the following act was passed:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1842.

AN ACT in amendment of an act entitled "An act revising the act entitled 'An act regulating the manner of admitting freemen, and directing the method of electing officers in this State.'"

Whereas the good people of this State having elected delegates to a convention to form a constitution; which constitution, if ratified by the people, will be the supreme law of the State: therefore,

*Be it enacted by the General Assembly as follows:*

All persons now qualified to vote, and those who may be qualified to vote under the existing laws previous to the time of such their voting, and all persons who shall be qualified to vote under the provisions of such constitution, shall be qualified to vote upon the question of the adoption of said constitution.

True copy:—Witness,
HENRY BOWEN, *Secretary.*

The legally authorized convention met at the time to which they had adjourned, (the 14th of February,) finished their work, and submitted their constitution to the people, to be voted upon on the 21st, 22d, and 23d of March, 1842. The provisions of this constitution extended the right of suffrage to every white male native citizen of the United States, of the age of 21 years, who has resided in this State two years, and in the town or city where he offers to vote six months next preceding his voting, excepting lunatics, paupers, &c; and to such naturalized citizens as possessed such freehold qualification as has been heretofore required for all citizens, on a residence of three years in this State after their naturalization, and six months in the town or city in which they offer to vote, next preceding the time of voting.

This extension was as liberal to all native-born American citizens, as that granted by the (so called) "people's constitution," except that two years' residence was required, instead of one. It was a further extension than was contemplated by the bill already mentioned, introduced by Mr. Atwell, at the June session.

In relation to those who were born in foreign countries, it was not deemed prudent that they should be admitted to the right of suffrage as freely as the native-born citizen, and not until, by a longer residence, and a freehold qualification, there was such "evidence of permanent common interest with, and attachment to, the community," as would render it safe to extend to them this most important right.

It was to have been expected that the native born citizens of the United

States, resident among us, who have been so desirous of an extension of suffrage, would have accepted this constitution in the same spirit of conciliation and compromise with which it was offered them. Many have done so; and many more would have done so, if pains had not been taken by their interested leaders to pledge them to vote against this constitution before it was ever formed. And many have said that they would not vote for it, if it had been word for word like their own.

Such a spirit is beyond the reach of conciliation or compromise. No thing can satisfy such men but a triumph over the law, and a prostration of the government to their unhallowed purposes.

By a small majority (676) the constitution has been rejected. We have no doubt many voted against it from their attachment to the freehold qualification. Some voted against it because the colored people were not placed on the same platform with white men; others, because they considered the representation in the Legislature unequal; and we have reason to believe that many voted against it, being deceived by the grossest misrepresentations, and having been told they would lose, if this constitution was adopted, certain rights and privileges to which they were well known to be much attached.

We have seen, on the part of a portion of the free suffrage men, a zeal in opposition to this constitution, which offered to them more than they originally asked, that cannot be accounted for upon the principles of interest and prudence which govern men in ordinary times. With them, the contest has ceased to be for principle; it has become a contest for power;—not for power under ordinary circumstances, for the honors or emoluments of office under the same laws and the same government, but a contest for power, in violation of every righteous principle, to the destruction of all law, and all legitimate government.

We cannot for a moment doubt on which side all good citizens will array themselves, when such a contest is brought to that issue, which is threatened by those resolutions these deluded men have already passed, "'That they will support their constitution 'by all necessary means, and repel force by force.'"

The duty of the government is most plain. We are required to protect the citizen by legislation when the laws are defective, to warn the deluded how they act in violation of the laws, and to exert the means put into our hands to vindicate the rights of the government, and to guard the peace and happiness of the State.

With this view, your committee recommend the passage of a bill herewith presented, which, in their opinion, is necessary to meet the exigency of the times. Your committee also recommend the passage of the following resolutions:

*Resolved*, That his excellency the Governor be requested to issue his proclamation to the good people of this State, exhorting them to give no aid or countenance to those who, in violation of the law, may attempt to set up a government in opposition to the existing government of this State, and calling upon them to support the constituted authorities for the preservation of the public peace, and in the execution of those laws on which the security of all depends.

*Resolved*, That his excellency the Governor be, and he is hereby, authorized to adopt such measures as, in his opinion, may be necessary, in the recess of this Legislature, to execute the laws and preserve the State

from domestic violence; and that he be, and is hereby, authorized to draw on the general treasurer for such sums as may be required for these purposes.

*Resolved*, That this report, and the act accompanying, entitled "An act in relation to offences against the sovereign power of the State," be published in all the newspapers in this State; that ten thousand copies be printed in pamphlet form; and that the Secretary of State cause the same to be forthwith distributed in the several towns of this State and the city of Providence; and that five copies of the same be sent to the Governor of each State, and a copy each to the President, Vice President, members of the Cabinet, Senators, and members of the House of Representatives of the United States.

---

AN ACT in relation to offences against the sovereign power of the State.

Whereas, in a free government, it is especially necessary that the duties of the citizen to the constituted authorities should be plainly defined, so that none may confound our regulated American liberty with unbridled license: and whereas certain designing persons have, for some time past, been busy with false pretences amongst the good people of this State, and have framed, and are now endeavoring to carry through, a plan for the subversion of our government, under assumed forms of law, but in plain violation of the first principles of constitutional right, and many have been deceived thereby: and whereas this General Assembly, at the same time that it is desirous to awaken the honest and well-meaning to a sense of their duty, is resolved, by all necessary means, to guard the safety and honor of the State, and, overlooking what is past, to punish such evil-doers in future, in a manner due to their offences:

*Be it enacted by the General Assembly as follows:*

Section 1. All town, ward, or other meetings of the freemen, inhabitants, or residents of this State, or of any portion of the same, for the election of any town, city, ward, county, or State officer or officers, called or held in any town of this State, or in the city of Providence, except in the manner, for the purposes, at the times, and by the freemen, by law prescribed, are illegal and void; and any person or persons who shall act as moderator or moderators, warden or wardens, clerk or clerks, in such pretended town, ward, or other meetings hereafter to be held, or in any name or manner receive, record, or certify votes for the election of any pretended town, city, ward, county, or State officers, shall be deemed guilty of a misdemeanor, and be punished by indictment with a fine not exceeding one thousand, nor less than five hundred dollars, and be imprisoned for the term of six months: *Provided, however*, That this act is not intended to apply to cases in which, by accident or mistake, some prescribed form or forms of calling town or ward meetings of the freemen of the several towns of this State and of the city of Providence, shall be omitted or overlooked.

Sec. 2. Any person or persons who shall, in any manner, signify that he or they will accept any executive, legislative, judicial, or ministerial office or offices, by virtue of any such pretended elections in any such pretended town, ward, or other meeting or meetings, or shall knowingly suffer or permit his or their name or names to be used as a candidate or candi-

dates therefor, shall be adjudged guilty of a high crime and misdemeanor, and be punished by indictment in a fine of two thousand dollars, and be imprisoned f r the term of one year.

Sec. 3. If any person or persons, except such as are duly elected thereto according to the laws of this State, shall, under any pretended constitution of government for this State, or otherwise, assume to exercise any of the legislative, executive, or ministerial functions of the offices of Governor, Lieutenant Governor, Senators, members of the House of Representatives, Secretary of State, Attorney General, or General Treasurer of this State, or within the territorial limits of the same, as the same are now actually held and enjoyed, either separately or collectively, or shall assemble for the purpose of exercising any of said functions, all and every such exercise of, or meeting for the purpose of exercising all, any, or either of said functions, shall be deemed and taken to be a usurpation of the sovereign power of this State, and is hereby declared to be treason against the State, and shall be punished by imprisonment during life, as is now by law prescribed.

Sec. 4. All offences under this act shall be triable before the supreme judicial court only. Any person or persons arrested under the same, and also for treason against the State, may be imprisoned or held in custody for trial in the jail of such county of the State as the judge or justice issuing the warrant may order or direct; and the sheriff, or other officer charged with the service of such warrant, shall, without regard to his precinct, have full power and authority to take such person or persons, and him or them to commit to any county jail in this State which may be designated by such judge or justice; and it shall be the duty of all sheriffs, deputy sheriffs, town sergeants, constables, and jailers to govern themselves accordingly. All indictments under this act, and also all indictments for treason against this State, may be preferred and found in any county of this State, without regard to the county in which the offence was committed; and the supreme judicial court shall have full power, for good cause, from time to time to remove for trial any indictment which may be found under this act, or for treason against the State, to such county of the State as they shall deem best, for the purpose of ensuring a fair trial of the same; and shall, upon the conviction of any such offender or offenders, have full power to order, and from time to time to alter, the place of imprisonment of such offender or offenders, to such county jail within this State, or to the State's prison, as to them shall seem best for the safe custody of such offender or offenders, any act, law, or usage to the contrary notwithstanding.

—

Secretary's Office *April* 4, 1842.

The foregoing is a true copy of the report of the committee, with the resolutions and act passed by the General Assembly thereon.

Witness: HENRY BOWEN, *Secretary.*

*Charters and legislative documents, illustrative of Rhode Island history; showing that the people of Rhode Island, from the foundation of the State until their constitution of* 1842, *possessed and exercised the rights of self-government; and in what manner, and under what form of government, they declared their independence in* 1776, *became a member of the confederation of the United States in* 1778, *and adopted the constitution of the United States in* 1790.

## CHARTER OF 1643,

GRANTED UNDER THE AUTHORITY OF PARLIAMENT.

The following is the first Charter to the people of Rhode Island, incorporating them "by the name of the *Incorporation of Providence Plantations in the Narragansett Bay in New England*," granted under the authority of the Parliament of England, in 1643, giving them "*full power and authority to govern and rule themselves*," *&c.**

Whereas by an Ordinance of y^e^ Lords and Comons now assembled in Parliament bearing date the 2d day of November Anno Dom. 1643. Robert Earlle of Warwick is constituted & ordained Governor in Chief & Lord high Admiral of all thos Islands and other Plantations inhabited and planted by or belonging to any of his Majesties y^e^ King of Englands subjects (or w^ch^ hereafter may be inhabited and planted by or belonging to them) w^thin^ y^e^ bounds and upon y^e^ Coasts of America, And whereas y^e^ said Lords & Comons have thought fitt and thereby ordained, y^t^ Phillipp Earle of Pembroke, Edward Earle of Manchester, William Vicont Say and Seale, Phillipp Lord Whorton, John Lord Roberts, members of y^e^ house of Peers, Sir Gilbert Garard, barrenet, Sir Arthur Helsrigge, Barrenett, Sir Henry Vaune Junior Knight, Sir Benjamin Rudyerd, Knight, John Pim, Oliver Cromwell, Dennis Bond, Miles Corbett, Cornelius Holland, Sammuell Vassell, John Rolle and William Spurstowe, Esquirese members of y^e^ house of Comons, should be Commissioners to joyne in aide & assistance w^th^ y^e^ said Earle.

And whereas for the better governing & preserving of y^e^ said Plantations it is thereby ordained, y^t^ the aforesaid Govern^r^ and comm^rs^ or y^e^ greater number of them shall have power and authority from time to time, to nominate, appoint, & constitute, all such subordinat Govern^rs^ Counselors, Commanders, officers, and agents, as they shall judge to be best affected, and most fitt and serviceable to govern y^e^ said Islands & Plantations, and to provid for, ordere, & dispose all things w^ch^ they shall from time to time find most fitt and advantageouse for y^e^ said Plantation, and for the better security of y^e^ owners & inhabitants thereof to Assine ratify & confirme, soe much of their afore mentioned authority & power, and in such manner, & to such Parsons, as they shall Judge to be fitt, for y^e^ better Governing & preserving of y^e^ said Plantations & Islands from open violence, prejudice, disturbance and distractions. And whereas their is a tract of Land in y^e^ Continent of America aforesaid called by y^e^ name of y^e^ Naragansett Bay, bordering North and Northest on the Patten of y^e^ Massechusetts, East Southeast on Plymouth Patten, south on y^e^ oation, and on y^e^ weast and

* See page 115.

Northweast By Indians called Nahoggannsucks alias Narragansetts; ye whole tract extending about twenty and five English miles, into ye Pecut river and Country, and whereas divers well affected and industrious English Inhabitants of ye Townes of Providence, Portsmouth, and Newport, in the tract aforesaid, have adventured to make a nearer neighbourhood & sosiaty to & wth ye great body of the Narragansetts wch may in time by ye blessing of GOD upon their endeavours lay a surer foundation of happiness to all America, & have also purchased, & are purchasing of & amonst ye said Natives, some other places wch may be convenient both for plantation, and also for Building of shipps, supply of pipe staves, & other Marchandice; And whereas ye said English have represented their desires to ye said Earle and Commrs to have their hopeful beginnnings approved and confirmed by granting unto ym a free charter of civel incorporation and Gouvorment, yt they may order and govern their plantations, in such manner as to maintain justice, & peace both amongst themselves and towards almen, wth whom they shall have to doe; In due consideration of ye Premises ye said Robert Earle of Warwick Govermr in Chiefe, Lord High Admirall of ye said Plantations, and ye greater Number of ye said Commissionours, whose names and seales are her under written and subjoyned out of a desire to incourage ye good beginnings of ye said Plantations, doe by ye authority of ye aforesaid ordinance of Lords & comons give grant & confirm to ye aforesaid Inhabitants of ye Towns of Providence, Portsmouth, and Newport, a free and absolute Charter, of civel incorporation, to be known, by ye name of the Incorporation of Providence Plantations, in the Narragansett bay in New England, *together wth full power and authority, to Govern and rule themselves, and such others as shall hereaftere inhabitt wthin any part of ye said tract of Land by such a forme of Civel Govermnt as by voluntury consent of all or ye greatest part of thm shall be found most serviceable in their Estates and condition* and to that end, to make and ordain such civel Laws and constitutions and to inflict such Punishmts uppon transgressors and for execution thereof soe to place & displace, Officers of Justice, as they or ye greatest part of ym shall by free consent agree unto— Provided nevertheless yt ye said Laws, Constitutions and Punishments for ye civell Governmt of ye said Plantation be conformable to ye Lawes of England, soe farre as ye nature & Constitution of ye place will admitt; And always reserving to ye said Earle and Commrs and there successors power and authority soe to dispose ye General Govermt of yt as it stands in refferance to ye rest of ye Plantations in America, as they shall commissionate from time to time most conducing to ye Generall good of ye said Plantations, ye Honour of his Magisty, & ye sarvice of this State, and ye said Earll & Commns doe further authorice ye aforesaid Inhabitants, for ye better transacting of there Publique affaires to make and use a Publique seale as ye knowne seale of Providence Plantations in ye Narragansetts Bay in New England, in Testimony whereof ye said Robert Earle of Warwick & commrs have hereunto set there hands and seales ye seventeenth day of March ye nineteenth year of ye Raine of our Soveraine Lord King Charles and in ye yeare of our Lord GOD 1643.

ROBERT WARWICK.

Phillip Pembrook, Say & Seale, P. Whartone, Arthur Helsrige, Cor Holland, Hen. Vane, Sam Vassell, John Rool, Miles Corbet.

CROMWELL'S LETTER.

*Letter from Oliver Cromwell to Rhode Island, when Dr. John Clarke was agent of the Colony, in England, dated 29th March, 1655.*

To our trusty and well-beloved the President, assistants, and inhabitants of Rhode Island, together with the rest of the Providence Plantations, in the Narragansett bay, in New England,

GENTLEMEN: Your agent here hath represented unto us some particulars concerning your government, which you judge necessary to be settled by us here. But by reason of the other great and weighty affairs of this commonwealth, we have been necessitated to defer the consideration of them to a further opportunity. For the mean time we were willing to let you know, that *you are to proceed in your government according to the tenor of your charter*, formerly granted on that behalf; taking care of the peace and safety of those plantations, that neither through any intestine commotions, or foreign invasions, there do arise any detriment, or dishonor to this commonwealth, *or yourselves, as far as you, by your care and diligence, can prevent.* And as for the things which are before us, they shall, as soon as the other occasions will permit, receive a just and fitting determination. And so we bid you farewell, and rest

Your very loving friend,
OLIVER P.

29 MARCH, 1655.

The restoration of Charles II., in 1660, caused the people of Rhode Island to fear that those chartered rights which had been granted them by the Parliament, when at war with the father, would not be respected by the son. They, therefore, adopted all those measures which prudence required, to procure the favor of the new King. The King was proclaimed at Warwick, in October, 1660, where the General Court sat, immediately after the news of the restoration arrived in the colony, and the proclamation was "solemnized" by military parade and festivity, and ordered to be thus solemnized on the 24th of that month, in the same manner, in every town in the colony. A new commission was issued, under the seal of the colony, to Mr. John Clarke, the agent of the colony residing in England, appointing him the "undoubted agent and attorney" of the colony, for "the preservation of all and singular the privileges, liberties, boundaries, and immunities" of the colony, "according to *the true intent and meaning of our charter.*" The General Court also appointed a committee to draw up a petition to his Majesty, and to correspond with their agent.

---

NEW COMMISSION TO MR. JOHN CLARKE.

The following is the new commission to Mr. John Clarke, dated at Warwick, the 18th day of October, Anno Domini 1660:

Whereas we the colony of Providence Plantations, in New England, having a free charter of incorporation given and granted unto us, in the name of King and Parliament of England, &c., bearing date An. Dom. one thousand six hundred forty-three, by virtue of which charter this colo-

ny hath been distinguished from the other colonies in New England; and have ever since, and at this time, maintained government and order in the same colony by administering judgment and justice, according to the rules in our said charter prescribed: And further, whereas there have been sundry obstructions emerging, whereby this colony have been put to trouble and charge for the preservation and keeping inviolate those privileges and immunities, to us granted in the foresaid free charter, which said obstructions arise from the claims and encroachments of neighbors about us to and upon some parts of the tract of land, mentioned in our charter to be within the bounds of this colony.

These are, therefore, to declare and make manifest unto all that may have occasion to peruse and consider of these presents, that this present and principal court of this colony, sitting and transacting in the name of his most gracious and royal Majesty Charles the second, by the grace of God the most mighty and potent King of England, Scotland, France, and Ireland, and all the dominions and territories thereunto belonging, &c. Do, by these presents, make, ordain, and constitute, desire, authorize, and appoint our trusty and well beloved friend, Mr. John Clarke, physician, one of the members of this colony, late inhabitant of Rhode Island in the same colony, and now residing in Westminster, our undoubted agent and attorney, to all intents and purposes, lawfully tending unto the preservation of all and singular the privileges, liberties, boundaries, and immunities of this colony, as according unto the true intent and meaning of all contained in our said charter, against all unlawful usurpations, intrusions and claims of any person or persons, on any pretences, or by any combination whatsoever, not doubting but the same gracious hand of Providence which moved the most potent and royal power abovesaid to give and grant us the abovesaid free charter, will also still continue to preserve us in our just rights and privileges, by the gracious favor of the power and royal Majesty abovesaid, whereunto we acknowledge all humble submission, and loyal subjection, &c.

Given in the twelfth year of the reign of our Sovereign Lord, Charles the second, King of England, Scotland, France, and Ireland, &c., at the general court holden for the colony of Providence Plantations, at Warwick, the 18th day of October, An. Dom. 1660.

To our trusty and well beloved friend and agent, Mr. John Clarke of Rhode Island, physician, now residing in London or Westminster.

Ordered to be subscribed by the general recorder, with the seal of the colony annexed.

—

Dr. Clarke was successful in the execution of his commission, and obtained from Charles II the charter dated July 8, 1663, which secured to the people of Rhode Island the same right of self government which was granted them by the charter of 1643. The recital, in the beginning of the charter of 1663, shows that this charter was not imposed upon the people, but granted to the "*purchasers and free inhabitants of Rhode Island and Providence Plantations*," upon the petition of John Clarke *in their* "*behalf*." This charter gave to the freemen of the colony the right to choose their Governor and Legislative Assembly, to be called "the General Assembly,"

and gave to this General Assembly "full power and authority to *admit persons free of said body politic*"—"to elect and constitute such offices and officers, and to grant such needful commissions as they shall think fit;" "*and from time to time to make, ordain, constitute, or repeal, such laws, statutes, orders and ordinances, forms and ceremonies of government, and magistracy, as to them shall seem meet, for the good and welfare of the said Company, and for the government and ordering the lands and hereditaments granted therein, and of the people that do, or at any time hereafter shall inhabit or be within the same;* so as such laws, ordinances and CONSTITUTIONS, so made, be not contrary and repugnant unto, but as near as may be agreeable to the laws of England, *considering the nature and constitution of the place and people there.*"*

The following is this charter, which commends itself to every lover of free government:

THE CHARTER GRANTED BY KING CHARLES II.

Charles, the Second, by the grace of God, King of England, Scotland, France, and Ireland, defender of the faith, &c., to all to whom these presents shall come greeting: Whereas we have been informed by the humble petition of our trusty and well beloved subject, John Clarke, on the behalf of Benedict Arnold, William Brenton, William Coddington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuel Gorton, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and free inhabitants of our island, called Rhode Island, and the rest of the colony of Providence Plantations, in the Narragansett Bay, in New England, in America, that they, pursuing, with peaceable and loyal minds, their sober, serious, and religious intentions, of godly edifying themselves, and one another, in the holy christian faith and worship, as they were persuaded; together with the gaining over and conversion of the poor ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship, did, not only by the consent and good encouragement of our royal progenitors, transport themselves out of this kingdom of England into America, but also, since their arrival there, after their first settlement amongst other our subjects in those parts, for the avoiding of discord, and those many evils which were likely to ensue upon some of those our subjects not being able to bear, in these remote parts, their different apprehensions in religious concernments, and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and with excessive labor and travel, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as we are informed, are the most potent princes and people of all that country; where, by the good Providence of God, from whom the Plantations have taken their name, upon their labor and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized and possessed, by purchase and consent of the said natives, to their full content, of such lands, islands, rivers, harbors and roads, as are

* See page 121.

very convenient, both for plantations, and also for building of ships, supply of pipe staves, and other merchandize: and which lie very commodious, in many respects for commerce, and to accommodate our southern plantations, and may much advance the trade of this our realm, and greatly enlarge the territories thereof; they having, by near neighborhood to and friendly society with the great body of the Narragansett Indians, given them encouragement of their own accord, to subject themselves, their people and lands unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavors, be laid a sure foundation of happiness to all America: and whereas, in their humble address, they have freely declared, that it is much on their hearts (if they may be permitted) to hold forth a lively experiment, that a most flourishing civil state may stand and best be maintained, and that among our English subjects, with a full liberty in religious concernments; and that true piety, rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty: Now know ye, that we, being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all their civil and religious rights, appertaining to them, as our loving subjects; and to preserve unto them that liberty, in the true christian faith and worship of God, which they have sought with so much travel, and with peaceable minds, and loyal subjection to our royal progenitors and ourselves, to enjoy; and because some of the people and inhabitants of the same colony cannot, in their private opinions, conform to the public exercise of religion, according to the liturgy, forms, and ceremonies of the Church of England, or take or subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will, (as we hope) be no breach of the unity and uniformity established in this nation: Have therefore thought fit, and do hereby publish, grant, ordain, and declare, that our royal will and pleasure is, that no person within the said colony, at any time hereafter, shall be anywise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, and do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concernments, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness, nor to the civil injury or outward disturbance of others; any law, statute, or clause, therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise, notwithstanding. And that they may be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the christian faith, and others, in all respects, we have further thought fit, and at the humble petition of the persons aforesaid are graciously pleased to declare, that they shall have and enjoy the benefit of our late act of indemnity and free pardon, as the rest of our subjects in other our dominions and territories have; and to create and make them a body politic or corporate, with the powers and privileges hereinafter mentioned. And accordingly our will and pleasure is, and of our especial grace, certain knowledge, and mere motion, we have ordained, constituted, and declared, and by these presents, for

us, our heirs and successors, do ordain, constitute, and declare, that they, the said William Brenton, William Coddington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Field, Thomas Harris, James Barker, ——— Rainsborrow, ——— Williams, and John Nickson, and all such others as now are, or hereafter shall be, admitted and made free of the company and society of our colony of Providence Plantations, in the Narragansett Bay, in New England, shall be, from time to time, and forever hereafter, a body corporate and politic, in fact and name, by the name of The Governor and Company of the English Colony of Rhode Island and Providence Plantations, in New England, in America; and that, by the same name, they and their successors shall and may have perpetual succession, and shall and may be persons able and capable, in the law, to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and to be defended, in all and singular suits, causes, quarrels, matters, actions and things, of what kind or nature soever; and also to have, take, possess, acquire, and purchase lands, tenements, or hereditaments, or any goods or chattels, and the same to lease, grant, demise, aliene, bargain, sell, and dispose of, at their own will and pleasure, as other our liege people, of this our realm of England, or any corporation or body politic within the same, may lawfully do. And further, that they the said Governor and Company, and their successors, shall and may, forever hereafter, have a common seal, to serve and use for all matters, causes, things, and affairs, whatsoever, of them and their successors; and the same seal to alter, change, break, and make new, from time to time, at their will and pleasure, as they shall think fit. And further, we will and ordain, and by these presents, for us, our heirs and successors, do declare and appoint that, for the better ordering and managing of the affairs and business of the said company, and their successors, there shall be one Governor, one deputy Governor and ten Assistants, to be from time to time, constituted, elected, and chosen out of the freemen of the said Company for the time being, in such manner and form as is hereafter in these presents expressed; which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people there. And, for the better execution of our royal pleasure herein, we do, for us, our heirs and successors, assign, name, constitute, and appoint the aforesaid Benedict Arnold to be the first and present Governor of the said Company, and the said William Brenton to be the deputy Governor, and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Coggeshall, James Barker, William Field, and Joseph Clarke, to be the ten present Assistants of the said Company, to continue in the said several offices, respectively, until the first Wednesday which shall be in the month of May now next coming. And further, we will, and by these presents, for us, our heirs, and successors, do ordain and grant that the Governor of the said Company, for the time being, or, in his absence, by occasion of sickness, or otherwise, by his leave and permission, the deputy Governor, for the time being, shall and may, from time to time, upon all occasions, give order for the assembling of the said Company and calling them together, to consult and advise of the business and affairs of the said

Company. And that forever hereafter, twice in every year—that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October, or oftener in case it shall be requisite, the Assistants and such of the freemen of the said Company, not exceeding six persons for Newport, four persons for each of the respective towns of Providence, Portsmouth, and Warwick, and two persons for each other place, town, or city, who shall be, from time to time, thereunto elected or deputed by the major part of the freemen of the respective towns or places for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise, and determine in and about the affairs and business of the said Company and Plantations. And further, we do, of our especial grace, certain knowledge, and mere motion, give and grant unto the said Governor and Company of the English colony of Rhode Island and Providence Plantations, in New England, in America, and their successors, that the Governor, or, in his absence, or by his permission, the deputy Governor of the said Company, for the time being, the Assistants, and such of the freemen of the said Company as shall be so as aforesaid elected or deputed, or so many of them as shall be present at such meeting or assembly as aforesaid, shall be called the General Assembly; and that they, or the greatest part of them present, whereof the Governor, or deputy Governor, and six of the Assistants, at least to be seven, shall have, and have hereby given and granted unto them, full power and authority, from time to time, and at all times hereafter, to appoint, alter, and change such days, times, and places of meeting and General Assembly as they shall think fit; *and to choose, nominate, and appoint such and so many other persons as they shall think fit, and shall be willing to accept the same, to be free of the said Company and body politic, and them into the same to admit;* and to elect and constitute such offices and officers, and to grant such needful commissions as they shall think fit and requisite for the ordering, managing, and despatching of the affairs of the said Governor and Company and their successors; *and, from time to time, to make, ordain, constitute, or repeal such laws, statutes, orders and ordinances, forms and ceremonies of government and magistracy,* as to them shall seem meet, for the good and welfare of the said Company, and for the government and ordering of the lands and hereditaments hereinafter mentioned to be granted, and of the people that do, or at any time hereafter shall, inhabit or be within the same; so as such laws, ordinances, and *constitutions* so made be not contrary and repugnant unto, but as near as may be, agreeable to the laws of this our realm of England, considering the nature and constitution of the place and people there, and also to appoint, order and direct, erect and settle, such places and courts of jurisdiction, for the hearing and determining of all actions, cases, matters, and things happening within the said colony and plantation, and which shall be in dispute and depending there, as they shall think fit; and also to distinguish and set forth the several names and titles, duties, powers, and limits of each court, office, and officer, superior, and inferior; and also to contrive and appoint such forms of oaths and attestations, not repugnant, but, as near as may be, agreeable, as aforesaid, to the laws and statutes of this our realm, as are convenient and requisite, with respect to the due administration of justice and due execution and discharge of all offices and places of trust by the persons that shall be therein concerned; and also to regulate and order the way and manner of all elections to offices and places of trust, and to prescribe limit, and distinguish the numbers and

bounds of all places, towns, or cities, within the limits and bounds hereinafter mentioned, and not herein particularly named, who have, or shall have, the power of electing and sending of freemen to the said General Assembly; and also to order, direct, and authorize the imposing of lawful and reasonable fines, mulcts, imprisonments, and executing other punishments, pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations within this our kingdom of England; and again to alter, revoke, annul, or pardon, under their common seal, or otherwise, such fines, mulcts, imprisonments, sentences, judgments, and condemnations, as shall be thought fit; and to direct, rule, order, and dispose of all other matters and things, and particularly that which relates to the making of purchases of the native Indians, as to them shall seem meet; whereby our said people and inhabitants in the said Plantations may be so religiously, peaceably, and civilly governed, as that, by their good life and orderly conversation, they may win and invite the native Indians of the country to the knowledge and obedience of the only true God and Saviour of mankind; willing, commanding, and requiring, and by these presents, for us, our heirs, and successors, ordaining and appointing that all such laws, statutes, orders, and ordinances, instructions, impositions, and directions, as shall be so made by the Governor, deputy Governor, Assistants, and freemen, or such number of them as aforesaid, and published in writing, under their common seal, shall be carefully and duly observed, kept, performed, and put in execution, according to the true intent and meaning of the same. And these our letters patent, or the duplicate or exemplification thereof, shall be to all and every such officer, superior or inferior, from time to time, for the putting of the same orders, laws, statutes, ordinances, instructions, and directions, in due execution, against us, our heirs and successors, a sufficient warrant and discharge. And further, our will and pleasure is, and we do hereby, for us, our heirs, and successors, establish and ordain, that yearly, once in the year, forever hereafter, namely, the aforesaid Wednesday in May, and at the town of Newport, or elsewhere, if urgent occasion do require, the Governor, Deputy Governor, and Assistants of the said company, and other officers of the said company, or such of them as the General Assembly shall think fit, shall be, in the said General Court or Assembly to be held from that day or time, newly chosen for the year ensuing, by such greater part of the said Company, for the time being, as shall be then and there present; and if it shall happen that the present Governor, Deputy Governor, and Assistants, by these presents appointed, or any such as shall hereafter be newly chosen into their rooms, or any of them, or any other the officers of the said Company, shall die or be removed from his or their several offices or places, before the said general day of election, (whom we do hereby declare, for any misdemeanor or default, to be removable by the Governor, Assistants, and Company, or such greater part of them, in any of the said public courts, to be assembled as aforesaid,) that then, and in every such case, it shall, and may be lawful to and for the said Governor, Deputy Governor, Assistants, and Company aforesaid, or such greater part of them, so to be assembled as is aforesaid, in any their assemblies, to proceed to a new election of one or more of their Company, in the room or place, rooms or places, of such officer or officers, so dying removed, according to their discretions; and immediately upon and after such election or elections made of such Governor, Deputy Governor, Assistant, or Assistants, or any other officer of the said Company, in manner and form aforesaid, the authority,

office and power, before given to the former Governor, Deputy Governor, and other officer and officers, so removed, in whose stead and place new shall be chosen, shall, as to him and them, and every of them, respectively, cease and determine: *Provided always*, and our will and pleasure is, that as well such as are by these presents appointed to be the present Governor, Deputy Governor, and Assistants, of the said Company, as those that shall succeed them, and all other officers to be appointed and chosen as aforesaid, shall, before the undertaking the execution of the said offices and places respectively, give their solemn engagement, by oath, or otherwise, for the due and faithful performance of their duties in their several offices and places, before such person or persons as are by these presents hereafter appointed to take and receive the same, that is to say: the said Benedict Arnold, who is hereinbefore nominated and appointed the present Governor of the said Company, shall give the aforesaid engagement before William Brenton, or any two of the said Assistants of the said Company; unto whom we do by these presents give full power and authority to require and receive the same; and the said William Brenton, who is hereby before nominated and appointed the present Deputy Governor of the said Company, shall give the aforesaid engagement before the said Benedict Arnold, or any two of the Assistants of the said Company; unto whom we do by these presents give full power and authority to require and receive the same; and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Coggeshall, James Barker, William Field, and Joseph Clarke, who are hereinbefore nominated and appointed the present Assistants of the said Company, shall give the said engagement to their offices and places respectively belonging, before the said Benedict Arnold and William Brenton, or one of them; to whom respectively we do hereby give full power and authority to require, administer, or receive the same: and further, our will and pleasure is, that all and every other future Governor or Deputy Governor, to be elected and chosen by virtue of these presents, shall give the said engagement before two or more of the said Assistants of the said Company for the time being; unto whom we do by these presents give full power and authority to require, administer, or receive the same; and the said Assistants, and every of them, and all and every other officer or officers to be hereafter elected and chosen by virtue of these presents, from time to time, shall give the like engagements, to their offices and places respectively belonging, before the Governor or Deputy Governor for the time being; unto which said Governor, or Deputy Governor, we do by these presents give full power and authority to require, administer, or receive the same accordingly. And we do likewise, for us, our heirs, and successors, give and grant unto the said Governor and Company, and their successors, by these presents, that, for the more peaceable and orderly government of the said Plantations, it shall and may be lawful for the Governor, Deputy Governor, Assistants, and all other officers and ministers of the said Company, in the administration of justice, and exercise of government, in the said Plantations, to use, exercise, and put in execution, such methods, rules, orders, and directions, not being contrary or repugnant to the laws and statutes of this our realm, as have been heretofore given, used and accustomed, in such cases, respectively, to be put in practice, until at the next, or some other General Assembly, special provision shall be made and ordained in the cases aforesaid. And we do further, for us, our heirs, and successors, give and grant unto the said Governor and Company, and their successors,

by these presents, that it shall and may be lawful to and for the said Governor, or in his absence, the Deputy Governor, and major part of the said Assistants, for the time being, at any time when the said General Assembly is not sitting, to nominate, appoint, and constitute such and so many commanders, governors, and military officers as to them shall seem requisite for the leading, conducting, and training up the inhabitants of the said Plantations in martial affairs, and for the defence and safeguard of the said Plantations; and that it shall and may be lawful to and for all and every such commander, governor, and military officer, that shall be so as aforesaid, or by the Governor, or, in his absence, the Deputy Governor, and six of the said Assistants, and major part of the freemen of the said Company present at any General Assemblies, nominated, appointed, and constituted according to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, martial array, and put in warlike posture, the inhabitants of the said colony, for their special defence and safety; and to lead and conduct the said inhabitants, and to encounter, expulse, expel, and resist, by force of arms, as well by sea as by land, and also to kill, slay, and destroy, by all fitting ways, enterprises, and means whatsoever, all and every such person or persons as shall, at any time hereafter, attempt or enterprise the destruction, invasion, detriment, or annoyance of the said inhabitants or Plantations; and to use and exercise the law martial in such cases only as occasion shall necessarily require; and to take or surprise, by all ways and means whatsoever, all and every such person and persons, with their ship or ships, armor, ammunition, or other goods of such persons as shall, in hostile manner, invade or attempt the defeating of the said plantation, or the hurt of the said company and inhabitants; and, upon just causes, to invade and destroy the native Indians, or other enemies of the said colony. Nevertheless, our will and pleasure is, and we do hereby declare to the rest of our colonies in New England, that it shall not be lawful for this our said colony of Rhode Island and Providence Plantations, in America, in New England, to invade the natives inhabiting within the bounds and limits of their said colonies, without the knowledge and consent of the said other colonies. And it is hereby declared, that it shall not be lawful to or for the rest of the colonies to invade or molest the native Indians, or any other inhabitants, inhabiting within the bounds and limits hereafter mentioned, (they having subjected themselves unto us, and being by us taken into our special protection,) without the knowledge and consent of the Governor and Company of our colony of Rhode Island and Providence Plantations. Also our will and pleasure is, and we do hereby declare unto all christian kings, princes and states, that if any person, which shall hereafter be of the said Company or Plantation, or any other, by appointment of the said Governor and Company for the time being, shall at any time or times hereafter, rob or spoil, by sea or land, or do any hurt or unlawful hostility to any of the subjects of us, our heirs or successors, or any of the subjects of any prince or state, being then in league with us, our heirs or successors, upon complaint of such injury done to any such prince or state, or their subjects, we, our heirs and successors, will make open proclamation within any parts of our realm of England, fit for that purpose, that the person or persons committing any such robbery or spoil shall, within the time limited by such proclamation, make full restitution or satisfaction of all such injuries done or committed, so as the said prince, or others so complaining, may be fully satisfied and

contented ; and if the said person or persons who shall commit any such robbery or spoil, shall not make satisfaction, accordingly, within such time, so to be limited, that then we, our heirs and successors, will put such person or persons out of our allegiance and protection ; and that then it shall and may be lawful and free for all princes or others to prosecute, with hostility, such offenders, and every of them, their and every of their procurers, aiders, abettors and counsellors, in that behalf: *Provided, also*, and our express will and pleasure is, and we do, by these presents, for us, our heirs and successors, ordain and appoint, that these presents shall not, in any manner, hinder any of our loving subjects, whatsoever, from using and exercising the trade of fishing upon the coast of New England, in America; but that they, and every or any of them, shall have full and free power and liberty to continue and use the trade of fishing upon the said coast, in any of the seas thereunto adjoining, or any arms of the seas, or salt water, rivers and creeks, where they have been accustomed to fish; and to build and set upon the waste land belonging to the said colony and plantations, such wharves, stages and work-houses, as shall be necessary for the salting, drying and keeping of their fish, to be taken or gotten upon that coast. And further, for the encouragement of the inhabitants of our said colony of Providence Plantations to set upon the business of taking whales, it shall be lawful for them, or any of them, having struck whale, dubertus, or other great fish, it or them to pursue unto any part of that coast, and into any bay, river, cove, creek, or shore, belonging thereto, and it or them, upon the said coast, or in the said bay, river, cove, creek or shore, belonging thereto, to kill and order for the best advantage, without molestation, they making no wilful waste or spoil ; anything in these presents contained, or any other matter or thing, to the contrary notwithstanding. And further also, we are graciously pleased, and do hereby declare, that if any of the inhabitants of our said colony do set upon the planting of vineyards, (the soil and climate both seeming naturally to concur to the production of wines,) or be industrious in the discovery of fishing banks, in or about the said colony, we will, from time to time, give and allow all due and fitting encouragement therein, as to others in cases of like nature. And further, of our more ample grace, certain knowledge, and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Governor and Company of the English colony of Rhode Island and Providence Plantations, in the Narragansett Bay, in New England, in America, and to every inhabitant there, and to every person and persons trading thither, and to every such person or persons as are or shall be free of the said colony, full power and authority, from time to time, and at all times hereafter, to take, ship, transport, and carry away, out of any of our realms and dominions, for and towards the plantation and defence of the said colony, such and so many of our loving subjects and strangers as shall or will willingly accompany them in and to their said colony and plantation ; except such person or persons as are or shall be therein restrained by us, our heirs and successors, or any law or statute of this realm; and also to ship and transport all and all manner of goods, chattels, merchandises, and other things whatsoever, that are or shall be useful or necessary for the said plantations, and defence thereof, and usually transported, and not prohibited by any law or statute of this our realm; yielding and paying unto us, our heirs and successors, such the duties,

customs and subsidies, as are or ought to be paid or payable for the same. And further, our will and pleasure is, and we do, for us, our heirs and successors, ordain, declare, and grant, unto the said Governor and Company, and their successors; that all and every the subjects of us, our heirs and successors, which are already planted and settled within our said colony of Providence Plantations, or which shall hereafter go to inhabit within the said colony, and all and every of their children, which have been born there, or which shall happen hereafter to be born there, or on the sea, going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any the dominions of us, our heirs or successors, to all intents, constructions and purposes, whatsoever, as if they, and every of them, were born within the realm of England. And further, know ye, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted and confirmed, and, by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Governor and Company, and their successors, all that part of our dominions in New England, in America, containing the Nahantick and Nanhyganset, alias Narragansett Bay, and countries and parts adjacent, bounded on the west, or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck, alias Pawcawtuck river, and so along the said river, as the greater or middle stream thereof reacheth or lies up into the north country, northward, unto the head thereof, and from thence, by a straight line drawn due north, until it meets with the south line of the Massachusetts colony; and on the north, or northerly, by the aforesaid south or southerly line of the Massachusetts colony or plantation, and extending towards the east, or eastwardly, three English miles to the east and northeast of the most eastern and northeastern parts of the aforesaid Narragansett Bay, as the said bay lieth or extendeth itself from the ocean on the south, or southwardly, unto the mouth of the river which runneth toward the town of Providence, and from thence along the eastwardly side or bank of the said river (higher called by the name of Seacunck river) up to the falls called Patuckett falls, being the most westwardly line of Plymouth colony, and so from the said falls, in a straight line, due north, until it meet with the aforesaid line of the Massachusetts colony, and bounded on the south by the ocean; and, in particular, the lands belonging to the towns of Providence, Pawtuxet, Warwick, Misquammacock, alias Pawcatuck, and the rest upon the main land in the tract aforesaid, together with Rhode Island, Block Island, and all the rest of the islands and banks in the Narragansett Bay, and bordering upon the coast of the tract aforesaid, (Fisher's Island only excepted,) together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines royal, and all other mines, minerals, precious stones, quarries, woods, wood grounds, rocks, slates, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, pre-eminences, and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid or to them or any of them belonging, or in any wise appertaining: *To have and to hold* the same unto the said Governor and Company and their successors forever, upon trust, for the use and benefit of themselves and their associates, freemen of the said colony, their heirs and assigns, to be holden of us, our heirs and successors, as of the manor of East Greenwich, in our county of Kent, in free and common soccage, and not *in capite*, nor by knight service; yielding and paying therefor to us, our heirs and success-

ors, only the fifth part of all the ore of gold and silver which, from time to time, and at all times hereafter, shall be there gotten, had, or obtained, in lieu and, satisfaction of all services, duties, fines, forfeitures, made or to be made, claims and demands whatsoever, to be to us, our heirs or successors, therefor or thereout rendered, made, or paid; any grant, or clause in a late grant, to the Governor and Company of Connecticut Colony, in America, to the contrary thereof in any wise notwithstanding. The aforesaid Pawcatuck river having been yielded, after much debate, for the fixed and certain bounds between these our said colonies, by the agents thereof, who have also agreed that the said Pawcatuck river shall be also called alias Norrogansett or Narrogansett river; and, to prevent future disputes, that otherwise might arise thereby, forever hereafter shall be construed, deemed, and taken to be the Narrogansett river in our late grant to Connecticut colony mentioned as the easterly bounds of that colony. And further, our will and pleasure is, that, in all matters of public controversy, which may fall out between our colony of Providence Plantations and the rest of our colonies in New England, it shall and may be lawful to and for the Governor and Company of the said colony of Providence Plantations, to make their appeals therein to us, our heirs and successors, for redress in such cases, within this our realm of England; and that it shall be lawful to and for the inhabitants of the said colony of Providence Plantations, without let or molestation, to pass and repass, with freedom, into and through the rest of the English colonies, upon their lawful and civil occasions, and to converse and hold commerce and trade with such of the inhabitants of our other English colonies as shall be willing to admit them thereunto, they behaving themselves peaceably among them; any act, clause, or sentence, in any of the said colonies provided, or that shall be provided, to the contrary in any wise notwithstanding. And lastly, we do for us, our heirs, and successors, ordain and grant unto the said Governor and Company, and their successors, by these presents, that these our letters patent shall be firm, good, effectual, and available in all things in the law, to all intents, constructions, and purposes whatsoever, according to our true intent and meaning hereinbefore declared; and shall be construed, reputed, and adjudged in all cases most favorably on the behalf, and for the best benefit and behoof, of the said Governor and Company, and their successors; although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants by us, or by any of our progenitors or predecessors, heretofore made to the said Governor and Company of the English colony of Rhode Island and Providence Plantations, in the Narragansett Bay, New England, in America, in these presents is not made, or any statute, act, ordinance, provision, proclamation, or restriction, heretofore had, made, enacted, ordained, or provided, or any other matter, cause, or thing whatsoever, to the contrary thereof in any wise notwithstanding. In witness whereof, we have caused these our letters to be made patent. Witness ourself at Westminster, the eighth day of July, in the fifteenth year of our reign.

By the King: HOWARD.

—

The whole purport and effect of the preceding charter, stripped of legal verbiage, was to give to the people of Rhode Island the power to govern

themselves, in civil affairs, as they pleased, so that they did not violate the laws of England, so far as applicable to their constitution; and a perfect freedom in religious concernments. This, in effect, was but a confirmation of the rights of self-government, which the people of Rhode Island possessed by the charter granted them under the authority of the Parliament.

The charter of Charles II. was gladly accepted by the people of Rhode Island, as appears from the following record of the proceedings of "*A Court of Commissioners,*" the legislative assembly under the charter of 1643, held at Newport November 24th, 1663, and the record of a very great meeting and assembly of the freemen of the colony on the same day, legally called and met for the reception of the charter.

Here follow the proceedings copied from the ancient records:

"*The proceeds of a Court of Commissioners at Newport, November* 24,1663.

"*For Providence.*—Mr. William Field, Mr. William Carpender, Mr. Zachary Rhods, Mr. William Harris, Mr. Richard Tew, Joseph Torrey.

"*Newport.*—Mr. Benedick Arnold, Mr. William Brenton, Mr. William Coddington, Mr. James Barker, Mr. John Coggeshall, Captayne John Cranston.

"*Portsmouth.*—Mr. William Almye, Mr. Lot Strange, Mr. William Wodall, Mr. Frances Brayton, Mr. William Hall, Mr. Philip Tabor.

"*Warwick.*—Mr. John Greene, Mr. Samuel Gorton, Mr. Randall Howlden, Mr. John Weekes, Mr. James Greene, Mr. Richard Carder.

"The President chosen Moderator.

"Voted, That Captayne George Baxter be desired to bring forth and present the Charter to this Court.

"Voted, That this Court be adjourned until to-morrow morning, eight of the clock, to give way for the Charter to be read.

"Voted, That the Moderator of the Assembly be chosen by vote.

"The President chosen Moderator of the Assembly.

"At a very great meeting and Assembly of the Freemen of the Colony of Providence Plantations at Newport, on Rhode Island, in New England, November 24, 1663,

"The above said Assembly beinge legally called, and orderly met for the *solemn Reception of his Majestyes Gracious Letters patent unto them sent*, and having in order thereto Chosen the President Benedick Arnold, Moderator of the Assembly,

"It was ordered and voted *nemine contradicente.*

"Voted 1. That Mr. John Clarke, the colony Agents, letter to the President, Assistants and Freemen of the Colony be opened, and read, which accordingly was done with good delivery, and attention.

"Voted 2. That the box in which the Kings gracious Letters were enclosed be opened, and the Letters, with the Broad Seale thereto affixed, be taken forth and Read by Captayne *George Baxter*, in the Audience and view of all the people; which was accordingly done and the said Letters, with his Majestyes Royal Stampe and the Broad Seale with much beseeming gravity held up on high and presented to the perfect view of the people, and so returned into the Box and locked up by the Governor in order to the safe keeping it.

"Voted 3. That the most humble Thanks of this Colony, unto our gracious Sovereign Lord, King Charles the second of England, &c. for the high and Inestimable, yea incomparable grace and favor unto the Colony in giving those his gracious Letters patents unto us; thankes may be presented and returned by the Governor and Deputy-Governor in the behalf of the whole Colony.

"Voted 4. That for present, and until the Colony can otherwise declare, than by words their obligations unto the most honorable Earl of Clarendon, Lord High Chancellor of England, for his Exceeding great care and love unto this Colony, as by our Agent above mentioned hath always been acknowledged in his letters, The Governor and Deputy-Governor are desired to return unto his Lordship the humble thanks of the whole Colony.

" Voted 5. That Mr. John Clarke's Letter to the Governor, Deputy Governor, Assistants and freemen of this Colony be opened and read.

" Voted 6. That Mr. John Clarke the Colony's Agent in England, be saved harmless in his Estate, and to that end that all his disbursements going to England and all his Expenses and Engagements there already laid out, Expended, or Engaged in order to the procuring the King's Letters patent for this Colony, and any other matters conducing to the Colony's behalf in any sort whatsoever. as also all farther Expenses and Engagements he shall be necessitated yet farther to disburse on such accounts, and until he shall here arrive (as he saith he intends to come next spring) shall all be repayd, payd and discharged by this Colony of Rhode Island, and Providence Plantations, &c. in New England.

" Voted 7. That in Consideration of Mr. John Clarke's aforesaid his great pains, labor and travel with much faithfulness exercised for above 12 years in behalf of this Colony in England; The thanks of the Colony be sent unto him by the Governor and Deputy Governor, and for a gratuity to him, the Assembly Engage that the Colony shal pay unto the said John Clarke, or unto his order here in Newport, over and besides what is above engaged, the sum and full value of One Hundred Pounds Sterling, in current pay of the Country, also to be paid at or before the 25th day of December in the year 1664.

" Voted 8. That Captayne George Baxter shall have five and twenty pounds sterling, in current pay, given him as a token from the Colony of their Thankfull Presentment of the Charter of which he was the most faithfull and happie bringer and presenter, by our Agents order unto this Assembly, besides the charge of his being in and comminge from Boston therewith to be also defrayed .and the said 25 pounds to be paid him with all convenient speed.

" Voted 9. That all the above said Votes be recorded by Joseph Torrey General Recorder, and so the Assembly is dissolved in order to the acquiescing his Majesty's order and Commands, in the Charter."

On the next day the court of commissioners again sat for the purpose of surrendering up the power of the old government to the new.

The following is the record of this meeting:

"*November* 25, *the Court of Commissioners sits.*

" It is ORDERED and agreed by this Assembly, that all Bonds and Indictments to the Generall Court of Trialls in March next, shall stand in force; as also any judgments of courts Either in the Colony or any particular Towns

whereby Execution is already or shall be legally taken forth may be served as formerly by the former Generall or Town Sergeant and until further order; as also That any Petition formerly presented to a court of commissioners be taken notice of at the next General Assembly and thus the Court of Commissioners have ordered to the Recorder five shillings of each town for his attendance on this Court, *and the General Assembly do dissolve and resign us to the present Government in obedience to his Majesty's Commands and Commission in his Gracious Letters Patent under the broad seale of England given and granted to this colony.*

—

The following extract from Rawle on the Constitution of the United States, (introduction, page 9,) shows what sort of a Government, in the view of an English author, and an American jurist, Rhode Island enjoyed under the charter of Charles II:

"In England, of three co ordinate parts, one only is supposed, by the constitution, to represent the authority of the people; and at what time this representation was introduced among them is not clearly settled by their own jurists and antiquarians. That it existed before the Norman Conquest, in some form now not exactly ascertained, is indeed agreed; but on the subversion of the Saxon institutions, effected by William, the practice was at least suspended until the reign of Henry III. The provincial constitutions of America were, with two exceptions, modelled with some conformity to the English theory; but the colonists of *Rhode Island and Providence Plantations were empowered to choose all their officers, legislative, executive, and judicial*, and about the same time a similar charter was granted to Connecticut. And thus complains *Chalmers*, a writer devoted to regal principles: 'A mere *democracy*, or rule of the people, was established. Every power, deliberative and active, was invested in the freemen or their delegates; and the supreme executive magistrate of the empire, by an inattention which does little honor to the statesmen of those days, was wholly excluded.' He expresses his own doubts whether the King had a right to grant such charters."

"But although in all the other provinces the charters were originally granted, or subsequently modified, so as to exclude the principle of representation from the executive department, these two provinces, at the time of our Revolution, retained it undiminished. The suggestion of the full, unqualified extension of the principle of representation may, therefore, be justly attributed to the example of Rhode Island and Connecticut, which, when converted into States, *found it unnecessary to alter the nature of their governments*, and continued the same forms, in all respects, except the nominal recognition of the King's authority, till 1818, when Connecticut made some minor changes, and adopted a formal constitution. Rhode Island, however, is still satisfied with the charter of Charles II, from which it has been found sufficient to expunge the reservation of allegiance, the required conformity of its legislative acts to those of Great Britain, and the royal right to a certain portion of gold and silver ores, which, happily for that State, have never been found within it."

—

At a meeting of the General Assembly, at Newport, May 4, 1664, the General Assembly, among other things, declared liberty of conscience

agreeably to the charter, and provided a form of engagement to be taken by all persons acting in any public office, and then follows this declaration:

"It is also the pleasure and appointment of this General Assembly, *that none presume to vote in the* matters aforesaid, *but such whom this General Assembly expressly, by their writing, shall admit as freemen.*"

—

At a meeting of the General Assembly, at Newport, May 3, 1665, the King's commissioners proposed certain things to the Assembly under five heads, the second of which was as follows:

"2. That all men of *Competent estates* and of Civil Conversation who acknowledge * * * * are obedient to the Civil Magistrate, though of differing judgments may be admitt * * * *be Freemen*, and have liberty to choose and to be chosen officers both Civil and * * ."

The ancient record is now in part illegible, as appears from the blanks in the above.

In reply to this, the General Assembly, at the same session, declared as follows:

"And further, this Assembly in a due sense of his Majesty's gracious favor unto this Colony, in the second of those five above written proposals—Do order, enact, and declare, that so many of them that take the aforesaid Engagement, and are of *Competent Estates*, Civil conversation, and Obedient to the Civil Magistrate, shall be admitted freemen of this colony, upon their express desire therein declared to the General Assembly, either by themselves, *with sufficient testimony of their fitness and qualifications as shall by the Assembly be deemed satisfactory*, or if by the Chief Officer of the Towne or Townes where they live they be proposed and declared as aforesaid; and that *none shall have admission to vote for public officers or deputies*, or enjoy any privilege of freemen till *admitted by the Assembly as aforesaid, and their names recorded in the General Records of this Colony.*"

Thus did the people of Rhode Island early guard that most sacred privilege in a free State, the right of admitting strangers to the exercise of political power; and thus did they claim the exercise of this right under the charter, as belonging to themselves, through their representatives, acting in the General Assembly.

But now we are told that all men have a right to thrust themselves into the body politic, however alien by birth, and to seize for themselves the right of suffrage by the right of revolution!

—

At the General Assembly held at Newport, the 1st of May, 1667, it was ordered and voted as follows:

"It is ordered by the present Assembly that whosoever shall attempt to vote for the election of Governor, Deputy Governor, or any other magistrate, or other officers that *is* to be chosen upon the day of election, *not being a freeman of this Colony*, he shall forfeit five pounds, or otherwise fined or punished as the General Assembly shall see meet."

"Voted, that no person shall be admitted into the freedom of this corporation upon the day of Election."

The first printed Digest of the Laws of Rhode Island and Providence Plantations, was in 1730, and contains the laws from 1663 to 1730, which were then in force, with the dates of their several enactments.

The following is taken from the first and second pages of this digest:

"*Laws made and past by the General Assembly of his Majesty's colony of Rhode Island and Providence Plantations, begun and held at Newport, the first day of March*, 1663."*

"AN ACT regulating the election of general officers."

"*Be it enacted by the General Assembly of this Colony, and by the authority of the same it is hereby enacted*, That all persons whatsoever, that are inhabitants within this colony, and admitted freemen of the same, shall and may have liberty to vote for the Electing of all the General officers in this colony, either in person or by proxy, upon the first Wednesday of May annually, as is expressed in the Charter of the Colony.

"*And be it further enacted by the Authority aforesaid*, That on the first *Wednesday* of *May* annually, there shall be chosen and elected, one General Recorder, who shall be Secretary of the Colony, one Sheriff, who shall have the care and custody of his Majesty's Gaol, in Newport, one General Attorney, and one General Treasurer, for the better regulating and managing the affairs of the Government; and shall be chosen in manner as aforesaid."

"And that each and every person that shall vote by proxy, shall on the Town Meeting day next preceeding the General Election, openly in said meeting, deliver in his votes to the Town Clerk of the Town wherein he dwells, with his name written at length on the backside or the bottom thereof; which votes so taken shall be immediately sealed up by the town Clerk, and by him delivered either to an Assistant, Justice, Warden, or Deputy of said town, who shall be by the said Town Meeting appointed for the same; by him to be delivered to the Governor or Deputy Governor in open Court, before the Election proceed."

"*And be it further enacted by the Authority aforesaid*, That all General officers shall take the following engagement, before they act in their respective offices."

"You A B are by the free Vote of the Freemen of this Colony of Rhode Island and Providence Plantations, Elected to the place of in this said Colony, and do solemnly Engage true Allegiance unto his Majesty, his Heirs and successors to bear, and in your said office equal justice to do, unto all persons, Poor and Rich within this jurisdiction, to the utmost of your skill and ability, without Partiality, *according to the Laws established or that shall be established according to the Charter of this Colony*, as well in matters Military as Civil. And this engagement you make and give upon the peril of the Penalty of Perjury."

"*The reciprocal engagement.*"

"I do, in the name and behalf of this colony, re-engage to stand by you, and to support you by all due assistance and encouragement in the performance and execution of your aforesaid office, according to your engagement."

---

* This was old style; it was in the year 1664, new style. This was the first session of the General Assembly under the charter of 1663.

"*And be it further enacted by the authority aforesaid*, That no person shall be elected to the place of a deputy to sit in the General Assembly of this colony, but those that are *freeholders therein, and freemen of the same;* and that each respective town in this colony shall choose and elect their number of deputies as stated in the charter, at their respective town meetings next preceding such court of assembly for the which they shall be elected. And that the town clerk of each respective town shall grant forth his warrant to the town sergeant or constable of said town, to warn such deputies as shall from time to time be chosen in each respective town, to attend the assemblies for which they are chosen; and also the town clerk shall make return of such deputy chosen as aforesaid to the general recorder for the time being, on the first opening of the Assembly, who is hereby appointed clerk of the same."

The three next sections relate to the calling the General Assembly by the governor or deputy governor on "*emergent occasions*," the pay of the deputies, and fines for their neglect to attend the Assembly, and this act closes with the following:

"*And be it further enacted by the authority aforesaid*, That every person that shall be elected to the place of a deputy, shall take the following engagement before he shall act therein:

"You, A. B., being chosen to the place of deputy to sit in the General Assembly, do solemnly engage true allegiance to his Majesty ———, his heirs and successsors to bear, as also *fidelity to this his Majesty's colony of Rhode Island and Providence Plantations, and the authority therein established according to our charter;* and you do further engage equal right and justice to do to all persons as shall appeal unto you for your judgment in their respective cases. And this engagement you make and give upon the peril of the penalty of perjury."

By "general officers," in this act, are intended the governor, deputy governor, and assistants, (afterwards called senators) mentioned in the charter, and the general recorder or secretary, sheriff, attorney general, and general treasurer, created by this act. These general officers were voted for by the freemen of the colony in person, at an assembly of the freemen at Newport on the day fixed by the charter for the general election, viz: the first Wednesday of May annually. As it might be inconvenient for all the freemen to assemble at that time and place, this act provides a mode by which they might vote by proxy. Afterwards, all votes were given in this way, and sealed up in town meeting, and sent to the General Assembly, by them to be counted on the said election day; and this continued until the adoption of the constitution in 1842, and still continues in relation to the governor, lieutenant governor, secretary, attorney general, and general treasurer. From this practice of voting, as it was called, by proxy, instead of in person, on the election day at Newport, the ticket containing the names of the general officers has been called "the prox" of general officers, which word "prox" has puzzled some lexicographers out of Rhode Island.

At the session of the General Assembly of Rhode Island, &c., in May, 1666, was passed an act, entitled

"AN ACT establishing the election of town officers in each respective town in the colony."

The third section of this act thus provides:

"*And be it further enacted by the authority aforesaid*, That the freemen of each respective town, on their respective town meeting days, as shall be by them appointed, shall, and they hereby have full power granted them to admit so many persons, inhabitants of their respective towns, freemen of their towns as shall be by them adjudged deserving thereof; and that the town clerk of each town shall once every year send a roll or list of all freemen so admitted in their respective towns to the General Assembly, to be held for this colony, at Newport, the day before the general election; and also such persons that shall be so returned and admitted freemen of the colony, shall be enrolled in the colony's book by the general recorder."—Digest 1730, page 16.

—

At a session of the General Assembly held at Newport the third Tuesday of February, 1723, was passed the following act:

"AN ACT for directing the admitting freemen in the several towns of this colony."

"*Be it enacted by the General Assembly of this colony, and by the authority of the same it is enacted*, That from and after the publication of this act, no person whatsoever shall be admitted a freeman of any town in this colony, unless the person admitted be a freeholder of lands, tenements, or hereditaments in such town where he shall be admitted free, of the value of one hundred pounds, or to the value of forty shillings per annum, or the eldest son of such a freeholder; any act, custom, or usage to the contrary hereof notwithstanding."—Digest of 1730, page 131.

—

At a session of the General Assembly held at Newport the last Tuesday of February, 1729, was passed the following act:

"AN ACT directing the admitting of freemen in the several towns in this colony."

"*Be it enacted by the General Assembly of this colony, and by the authority of the same it is enacted*, That no person whatsoever shall be admitted a freeman of any town in this colony, unless the person admitted be a freeholder of lands, tenements, or hereditaments in such town where he shall be admitted free, to the value of two hundred pounds, or ten pounds per annum, or the eldest son of such a freeholder. And if it be made appear that any such freedom has been obtained through any fraudulent means or contrivance, such freedom shall and is hereby made void: any law, custom, or usage, to the contrary hereof, in any wise notwithstanding."—Digest of 1730, page 209.

At a session of the General Assembly held at East Greenwich on the 22d day of November, A. D. 1742, was passed the following act:

"AN ACT for the better regulation of the freemen voting either at the general election, or any town meeting in this colony."

"Whereas by the royal charter granted to this colony by his late gracious Majesty King Charles the Second, the governor and company are directed and empowered to admit all persons free of the said company as shall desire the same and are of suitable conversations, and have competent estates: in pursuance whereof there hath heretofore a law been made in this colony, whereby it is enacted that no person shall be admitted a freeman therein, except he be a freeholder of lands and tenements lying in said colony, of the value of two hundred pounds, or ten pounds per annum: Yet notwithstanding said law, it evidently appears that many persons have, by frauds and other indirect means, procured themselves to be made free of this colony, who are really not possessed of such estate as by the above said act is required; and also many persons who have been heretofore possessed of such estates as qualified them to be freemen according to the above said law, have afterwards disposed of such their estates, and yet continue to act as freemen in this colony; from which many very ill consequences have already arisen to the colony, and many more will ensue if not timely prevented:

"*For remedy whereof,*

"*Be it enacted by the General Assembly, and by the authority thereof it is hereby enacted*, That from and after the publication of this act, no person whatever in this colony shall be admitted to vote or act as a freeman in any town meeting in this colony, or at the general election, but such only who at the time of such their voting or acting as freemen, are really and truly possessed of lands, tenements, or hereditaments lying in this colony, of the full value of two hundred pounds, or ten pounds per annum, being their own freehold estate, or the eldest son of such a freeholder."

This act contains two more sections—one requiring a person offering to vote, who is suspected of not being qualified as required in the first section, to "declare on oath or engagement that he is really and *bona fide* qualified for a voter," as required in said act, before his vote shall be received; the other section making it penal for the moderator to receive the vote of a person challenged, without his taking such oath or engagement.—Digest of 1744–'45, page 252.

In the preamble to the last-mentioned act it will be seen, by comparing it with the charter, that a wrong impression may be conveyed. The charter says nothing about "suitable conversations or competent estates," but this, or similar, is the language of the General Assembly in one of the resolutions in 1665, in answer to the King's commissioners. (Ante, page 131.) The charter authorizes the General Assembly, without any qualification, "to choose, nominate, and appoint, such and so many other persons *as they shall think fit*, and shall be willing to accept the same, to be free of the said company and body politic, and them into the same to admit."

At the session of the General Assembly at Newport on the third Tuesday in August, A. D. 1746, was passed the following act:

"AN ACT directing the manner of admitting freemen, and for preventing bribery and corruption in the election of public officers in this colony."

"Whereas the manner of admitting freemen in this colony is so lax, and their qualifications as to their estates so very low, that many persons are admitted who are possessed with little or no property; and it being greatly to be feared that bribery and corruption hath (by the encouragement of evil-minded persons, and by reason of such necessitous persons being admitted freemen) spread itself in this government, to the great scandal thereof, so that the election of public officers hath been greatly influenced thereby; and as the law already made hath been found altogether ineffectual to prevent the same,

"*Be it therefore enacted by the General Assembly, and by the authority of the same*, That from and after the publication of this act, no person whatsoever shall be admitted to vote or act as a freeman in any town meeting in this colony, or at the general election, but such only who, at the time of such their voting or acting as freemen, are really and truly possessed of lands, tenements, or hereditaments, within this colony, to the full value of four hundred pounds, or which shall rent for twenty pounds per annum, being their own free estate, or the eldest son of such a freeholder. And that no person whatsoever shall hereafter be admitted free of any town in this colony without being possessed of a freehold to the value above said, or the eldest son of such a freeholder. And before they are admitted they shall be proposed to the town meeting of such town at least three months before such their admission. And in case any dispute shall arise, in respect to the value of such freehold, the same shall be determined by two persons, to be annually chosen by the town meetings of such respective town, and to be under oath for that purpose."—Digest of 1752, page 12.

The residue of this act, consisting of several sections, contains various provisions for preventing frauds and bribery and corruption in elections.

In the Digest of 1767, page 78, is an act entitled "An act regulating the manner of admitting freemen, and directing the method of electing officers in this colony."

This act has, in its margin, the dates of 1760, 1761, 1762, and contains similar provisions, as to the admission of freemen, as the laws already quoted; but the value of the freehold required for such admission and for voting, instead of four hundred pounds, or the yearly value of twenty pounds, as by the act of 1746, is by this act changed "to the full value of forty pounds, or which shall rent for forty shillings per annum."

—

Thus stood the law of Rhode Island, in relation to the right of suffrage, previously to, and at the time of, the Declaration of Independence, in July 1776, by the Congress of the United States.

This declaration has been appealed to by the assertors of the "largest liberty," as working wonders in the internal organization of the colonies, as dissolving the charter and government of Rhode Island, and reducing society to its original elements. Such idle fancies, such wild theories, were not entertained by the statesmen of '76, or by those men of Rhode Island

who sent their delegates to the Congress of the United States which declared this independence. These delegates were chosen by the General Assembly of Rhode Island, acting under their charter as their constitution of government; and little did this General Assembly deem that, in delegating this authority to Hopkins and Ellery, they were destroying their own authority or the authority of their constituents!

Strange indeed would it be, if in a declaration of independence, which sets forth the causes of complaint against the King of Great Britain, which impelled the colonies to this declaration, and justified them in so doing, and which, among these complaints, alleges as one cause—"for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;"—strange indeed, if it could have been supposed by the statesmen and patriots who signed this declaration, that by this declaration they took "away our charters, abolished our most valuable laws, and altered fundamentally the forms of our government," in reference to our internal organization!

But Rhode Island does not date her independence as a State from the declaration of the thirteen United States in Congress assembled, on the 4th day of July, 1776. Possessing under their charter, as we have seen, a democratic form of government, the freemen of Rhode Island impatiently submitted to oppression—these "aristocratic landholders," (as they have been termed by the demagogues of these degenerate days)—these vassals of a king, (as the men of Rhode Island have been represented, to suit the purposes of a party,) swept from their State every vestige of royalty, and declared their own independence, two months before the Declaration of American Independence by the Congress of the United States.

Read, ye slanderers of the freemen of Rhode Island! read the following act of the General Assembly of Rhode Island, passed at their session on the first Wednesday in May, A. D. 1776, and confess your ignorance of the institutions, freedom, and history of Rhode Island:

"AN ACT repealing an act entitled 'An act for the more effectually securing to his Majesty the allegiance of his subjects in this his colony and dominion of Rhode Island and Providence Plantations,' and altering the forms of commissions of all writs and processes in the courts, and of the oath prescribed by law.

"Whereas in all States existing by compact, protection and allegiance are reciprocal, the latter being only due in consequence of the former; and whereas George the Third, King of Great Britain, forgetting his dignity, regardless of the compact most solemnly entered into, ratified and confirmed to the inhabitants of this colony by his illustrious ancestors, and till of late fully recognised by him, and entirely departing from the duties and character of a good king, instead of protecting, is endeavoring to destroy the good people of this colony, and of all the united colonies, by sending fleets and armies to America to confiscate our property, and spread fire, sword, and desolation throughout our country, in order to compel us to submit to the most debasing and detestable tyranny, whereby we are obliged by necessity, and it becomes our highest duty, to use every means with which God and nature have furnished us, in support of our invaluable rights and privileges, to oppose that power which is exerted only for our destruction:

"*Be it therefore enacted by this General Assembly, and by the authority thereof it is enacted*, That an act entitled 'An act for the more effectual securing to his Majesty the allegiance of his subjects in this his colony and

dominion of Rhode Island and Providence Plantations,' be, and the same is hereby, repealed.

"*And be it further enacted by this General Assembly, and by the authority thereof it is enacted*, That in all commissions for offices, civil and military, and in all writs and processes in law, whether original, judicial or executory, civil or criminal, wherever the name and authority of the said King is made use of, the same shall be omitted, and in the room thereof, the name and authority of the Governor and Company of this colony shall be substituted in the following words, to wit: The Governor and Company of the English colony of Rhode Island and Providence Plantations. That all such commissions, writs, and processes, shall be otherwise of the same form and tenure as they heretofore were. That the courts of law be no longer entitled nor considered as the King's courts. And that no instrument in writing, of any nature or kind, whether public or private, shall, in the date thereof, mention the year of the said King's reign: *Provided nevertheless*, That nothing in this act contained shall render void or vitiate any commission, writ, process, or instrument, heretofore made or executed, on account of the name and authority of the said King being therein inserted.

"*And be it further enacted by the authority aforesaid*, That the oaths or engagements to be administered to the officers appointed in this colony, shall be as follows to wit:

"*General Officers.*

"You being, by the free vote of the freemen of this colony of Rhode Island and Providence Plantations, elected unto the place of do solemnly engage to be true and faithful unto this said colony, and in your said office equal justice to do unto all persons, poor and rich, within this jurisdiction, to the utmost of your skill and ability, without partiality, according to the laws established, or that may be established by the General Assembly of this colony, as well in matters military as civil; and this engagement you make and give upon the peril of the penalty of perjury."

—

By the above act all allegiance to the King of Great Britain is disowned, and the law which secured it, repealed; the King's name struck out of all writs and processes, and the name of the Governor and Company substituted; and the name of the King discarded from all private or public documents; the courts declared to be no longer "the King's courts," and the oath of allegiance to the King abolished, and an oath substituted, of fidelity to the colony, and to the laws enacted by the General Assembly.*

Thus did the people of Rhode Island in May, 1776, throw off their allegiance to the King of Great Britain, holding on at the same time to that form of government under their charter, which had been so long and deservedly dear to them.

---

*The published schedules of the proceedings of the General Assembly at each session, previously to the session of May, 1776, concluded with the words "*God save the King*"—in capitals. The schedule of May session, 1776, and of June session, 1776, conclude with the words "*God save the United Colonies*," in the place of "*God save the King*." After July, 1776, they conclude with "*God save the United States of America*."

But we have one other document which puts the seal of reprobation upon these new fangled doctrines as applied to what has been called, by way of derision, the "Charter Government" of Rhode Island, and which have been *inferred* from the declaration of American independence on the 4th of July, 1776.

The delegates from Rhode Island to the Congress which declared this independence, were chosen by the General Assembly of Rhode Island, deriving all their authority from this glorious charter. The inference from this would be sufficient to show that these delegates, by signing the declaration of independence, had no authority to destroy, or in any manner to weaken, the government from whence they derived their authority. They were not sent for any such purpose, nor did they dream that they were acting for any such purpose, but, on the contrary, that they were doing all that they could to secure those "rights and liberties" to the people of Rhode Island which they had so long enjoyed under this charter.

But we are not left to inference and conjecture on this subject. The commission and instruction to Stephen Hopkins and William Ellery, esquires, the delegates of Rhode Island to the Congress of '76, are on record, and speak for themselves. They emanated from the same General Assembly, at the same session in May, 1776, which purged Rhode Island from every semblance of royalty.

Here they are:

"*Instructions to the delegates.*

"The Governor and Company of the English colony of Rhode Island and Providence Plantations, in General Assembly convened, to Stephen Hopkins and William Ellery, esquires, greeting:

"Whereas this Assembly, reposing special trust and confidence in your abilities and integrity, have appointed you, the said Stephen Hopkins and William Ellery, delegates to represent this colony in General Congress; you are therefore hereby empowered to join with the delegates of the other united colonies in Congress at Philadelphia, as soon as conveniently may be, or at such time and place as shall be agreed upon by the major part of the delegates from the said colonies.

"You are also authorized and empowered to consult and advise with the delegates of the said colonies in Congress upon the most proper measures for promoting and confirming the strictest union and confederation between the said united colonies, for exerting their whole strength and force to annoy the common enemy, and to secure to the said colonies their rights and liberties, both civil and religious, whether by entering into treaties with any prince, state, or potentate, or by such other prudent and effectual ways and means as shall be devised and agreed upon. And in conjunction with the delegates from the said united colonies, or the major part of them, to enter into and adopt all such measures, taking the greatest care to secure to this colony, in the strongest and most perfect manner, its present established form, and all the powers of government, so far as relate to its internal police, and conduct of our own affairs, civil and religious.

"You are also instructed and directed to exert your utmost abilities in carrying on this just and necessary war in which we are engaged, against cruel and unnatural enemies, in the most vigorous manner, until peace shall be restored to the said colonies, and their rights and liberties secured upon a solid and permanent basis.

"You are also empowered to join with the major part of the delegates of the said united colonies, in adjourning from time to time, and to such place or places, as shall be thought proper, for and during one year.

"You have it in express charge to make immediate application to Congress to put the colony brigade upon the continental establishment, and to defray the expenses of it from the first enlistment of the troops, as that number is indispensably necessary for the defence of the colony, which is utterly unable to support them.

"And as it may happen that, from sickness, or other necessary causes, one of you may be absent from Congress; in all such cases, the other is hereby as fully empowered to represent the colony, as though both were present and agreed in sentiment.

"The committee appointed for that purpose, having reported the foregoing instructions to the delegates to represent this colony in Congress, which being considered, it is voted and resolved, that the same be and hereby are approved."

—

Such was the prudence and care with which our fathers excluded every conclusion that, from the acts of their delegates in Congress of 1776, anything might be inferred which could affect, in any manner, their "established form and powers of government relating to their internal police, and conduct of their own affairs, civil and religious."

We have departed somewhat from the order of time in giving the declaration of Rhode Island independence, and the instructions to their delegates, in May, 1776. We have done so, as connected with the topics growing out of the declaration of American independence, to which we alluded, and for the vindication of a people whose lot it has been to be much misunderstood and misrepresented.

There are other documents, connected with our revolutionary history, of which Rhode Island has no reason to be ashamed. We shall go back a little, to introduce some of the acts of the General Assembly of Rhode Island, representing and speaking in behalf of the people of Rhode Island, to show in what manner the people of Rhode Island sent delegates to the first American continental Congress, and with what a patriotic spirit they co operated in those measures which ultimately led to American freedom and independence. God grant that, through our thoughtlessness or degeneracy, our fathers may not have toiled and bled in vain!

—

The following are resolutions of the General Assembly of Rhode Island, held at Newport, on the second Monday in June, 1774:

"*Resolutions respecting the alarming situation of the colonies.*

"This Assembly, taking into the most serious consideration several acts of the British Parliament for levying taxes upon his Majesty's subjects in America, without their consent, and particularly an act, lately passed, for blocking up the port of Boston; which act, even upon the supposition that the people of Boston had justly deserved punishment, is scarcely to be paralleled in history, for the severity of the vengeance executed upon them;

and also considering to what a deplorable state this and all the other colonies are reduced, when, by an act of Parliament, in which the subjects in America have not a single voice, and without being heard, they may be divested of property, and deprived of liberty—do, upon mature deliberation, resolve:

"1st. That it is the opinion of this Assembly, that a firm and inviolable union of all the colonies, in councils and measures, is absolutely necessary for the preservation of their rights and liberties; and that, for that purpose, a convention of representatives from all the colonies ought to be holden in some suitable place, as soon as may be, in order to consult upon proper measures to obtain a repeal of the said acts, and to establish the rights and liberties of the Colonies upon a just and solid foundation.

"2d. That the Hon. Stephen Hopkins, and the Hon. Samuel Ward, esquires, be, and they are hereby, appointed by this Assembly to represent the people of this colony, in a General Congress of representatives from the other colonies, at such time and place as shall be agreed upon by the major part of the committees appointed, or to be appointed, by the colonies in general.

"3d. That they consult and advise with the representatives of the other colonies, who shall meet in such Congress, upon a lawful and dutiful petition and remonstrance, to be presented to his Majesty, as the united voice of his faithful subjects in America, setting forth the grievances they labor under, and praying his gracious interposition for their relief; and that in case a major part of the representatives of all the colonies shall agree upon such petition and remonstrance, they be empowered to sign the same in behalf of this colony.

"4th. That they also consult and advise upon all such reasonable and lawful measures as may be expedient for the colonies, in a united manner, to pursue, in order to procure a redress of their grievances, and to ascertain and establish their rights and liberties.

"5th. That they also endeavor to procure a regular annual convention of representatives from all the colonies, to consider of proper means for the preservation of the rights and liberties of the colonies.

"6th. That the Speaker of the lower House transmit, as soon as may be, copies of these resolutions to the present or late Speakers of the respective Houses of Representatives of all the British colonies upon the continent."

---

The first American Continental Congress met at Philadelphia on the 5th of September, A. D. 1774.

On the first Monday of December, 1774, the General Assembly of Rhode Island voted and resolved, as follows:

"*It is voted and resolved*, That the Hon. Stephen Hopkins, esq., and the Hon. Samuel Ward, esq., be, and they are hereby, chosen and appointed delegates to represent this colony at the Continental Congress, to be holden at Philadelphia on the 10th day of May, 1775.

"*It is voted and resolved*, That Henry Marchant, esq., Mr. Joseph Brown, and William Ellery, esq., be, and they are hereby, appointed a committee to draw up instructions to be given to the delegates appointed to represent this colony in General Congress, and lay the same before this Assembly.

*Instructions to the delegates appointed to represent this colony in the General Congress.*

"Whereas the American Continental Congress, held in the city of Philadelphia, on the 5th day of September last, recommended to the several colonies to choose deputies, as soon as possible, to attend a General Congress to be holden on the 10th day of May next, in the said city of Philadelphia, unless the redress of American grievances be obtained before that time: and whereas this Assembly, having the greatest regard to the recommendation aforesaid, and being determined to co operate with the other colonies in every proper measure for obtaining a redress of the grievances, and establishing the rights and liberties of all the colonies upon an equitable and permanent foundation, have unanimously chosen and appointed the Hon. Stephen Hopkins, esq., and the Hon. Samuel Ward, esq., delegates to represent this colony: *It is therefore unanimously voted and resolved*,

"1st. That the said Stephen Hopkins and Samuel Ward, esqs., be, and they are hereby, fully authorized and empowered to represent this colony in a General Congress of delegates or representatives of the several colonies, to be holden at the time and place abovementioned, or at such other time and place as shall be agreed upon by the major part of the committees from the several colonies.

"2d. That they be, and hereby are, fully authorized and empowered to consult and advise with the representatives of the other colonies, and, in conjunction with them, or the major part of them, to enter into and adopt, in behalf of this colony, all reasonable, lawful, and proper measures for the support, defence, protection, and security of the rights, liberties, and privileges, both civil and religious, of all the said colonies, or any of them.

"3d. That they be, and hereby are, authorized and empowered to adjourn, from time to time, and at any time, within the space of one year, to be computed from the said 10th day of May next, and at any place which they shall think proper.

"4th. That they be, and hereby are, directed to endeavor to procure a regular annual convention of delegates or representatives from all the colonies, to be holden at such time and place as shall be by the delegates agreed upon, for the promotion and establishment of the peace, welfare, and security of the said colonies."

—

At the session of the General Assembly in June 1775, an act was passed repealing "An act for regulating appeals to his Majesty in council in Great Britain."

At a session of the General Assembly in August, 1775, instructions were sent by the General Assembly to the delegates from Rhode Island to the Continental Congress, in which, among other things, they say:

"And as every principle, divine and human, require us to obey that great and fundamental law of nature—self preservation—until peace shall be restored upon constitutional principles, this colony will most heartily exert the whole power of Government, in conjunction with the other colonies, for carrying on this just and necessary war, and bringing the same to a happy issue. And amongst other measures for obtaining this most desirable purpose, this Assembly is persuaded that the building and equipping an Amer-

ican fleet, as soon as possible, would greatly and essentially conduce to the preservation of the lives, liberty, and property of the good people of these colonies, and therefore instruct their delegates to use their whole influence at the ensuing Congress for building, at the continental expense, a fleet of sufficient force for the protection of these colonies, and for employing them in such manner and places as will most effectually annoy our enemies, and contribute to the common defence of these colonies; and they are also instructed to use all their influence for carrying on the war in the most vigorous manner, until peace, liberty, and safety be restored and secured to these colonies upon an equitable and permanent basis."

—

The declaration, in effect, of Rhode Island independence, and the instructions to the Rhode Island delegates in Congress, who signed the declaration of American independence, passed at the May session, 1776, are already given. (Page 137 *et seq.*)

—

At their July session, 1776, the General Assembly approved of the declaration by Congress of the independence of the States in the manner following:

"STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
"*In General Assembly, July session*, 1776.

"This General Assembly, taking into the most serious consideration the resolution of the most honorable the General Congress of the United States of America, of the 4th instant, declaring the said States free and independent States, do approve the said resolution; and do most solemnly engage that we will support the said General Congress, in the said resolution, with our lives and fortunes."

—

"STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
"*In General Assembly, July* 19, 1776.

"*It is voted and resolved*, That the resolution of the General Congress, declaring the united colonies free and independent States, and the act of this Assembly approving said resolution, be published by the Secretary tomorrow, in Newport, at 12 o'clock, in presence of both Houses of the General Assembly; that thirteen cannon be discharged at Fort Liberty, upon reading the said proclamation; and that the brigade be drawn up on the parade in thirteen divisions, and, immediately after the discharge of the cannon, make a discharge of musketry—each division firing one volley in succession.

"*It is further voted and resolved*, That the said resolution and act be published in Providence, on Thursday next, at 12 o'clock, in such manner as his honor the Governor shall think fit; and that thirteen cannon be discharged on the occasion.

"*And it is further voted and resolved*, That the said resolution and act be read in the several town meetings to be holden on the last Tuesday in August next; and that the Secretary seasonably furnish the necessary copies."

In February, 1778, the General Assembly of Rhode Island, having taken into consideration the proposed articles of confederation and perpetual union between the States, instructed their delegates to propose certain amendments to the same, to be entered on the records of Congress if not adopted,* and at the same time authorized their delegates to sign the said articles of confederation, in behalf of Rhode Island, in the manner following:

"This Assembly having taken into consideration the articles of confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, transmitted by Congress to this State; and having had them repeatedly read, and having maturely weighed and most seriously deliberated upon them, as their importance to this and the other States and to posterity deserves; and considering also the pressing necessity of completing the Union as a measure essential to the preservation of the independence and safety of the said States:

"*Do vote and resolve, and it is voted and resolved*, That the honorable Stephen Hopkins, esq., William Ellery, esq., and Henry Marchant, esq., the delegates to represent this State in Congress, or any one of them, be, and they are hereby, fully authorized and empowered, on the part and behalf of this State, to accede to and sign the said articles of confederation and perpetual union, in such solemn form and manner as Congress shall think best adapted to a transaction so important to the present and future generations: *Provided*, That the same be acceded to by eight of the other States. And in case any alterations in, or additions to, the said articles of confederation and perpetual union shall be made by nine of the said States in Congress assembled, that the said delegates, or any one of them, be, and they are hereby, authorized and empowered, in like manner, to accede to and sign the said articles of confederation and perpetual union, with the alterations and additions which shall be so made.

"*It is further voted and resolved*, That this Assembly will, and do hereby, in behalf of the said State of Rhode Island and Providence Plantations, in the most solemn manner, pledge the faith of the said State to hold and consider the acts of the said delegates, or any one them, in so acceding to and signing the said articles of confederation and perpetual union, as valid and binding upon the said State in all future time.

"*And it is further voted and resolved*, That a fair copy of this act be made and authenticated under the public seal of this State, with the signature of his excellency the Governor, and be transmitted to the said delegates: and that the same shall be sufficient warrant and authority to the said delegates, or any one of them, for the purposes aforesaid."

—

The second article of the "confederation" for the preservation of State rights, is in these words:

"ART. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled."

---

* See Laws of U. S., edition of 1815, published under the authority of Congress, by Bioren & Duane; vol. i, pages 20 to 28, containing "Proceedings incident to the ratification of the act of confederation."

*Documents in relation to the adoption of the constitution of the United States.*

The convention which formed the constitution of the United States adopted the following resolution:

"IN CONVENTION.

"MONDAY, *September* 17, 1787.

"*Resolved*, That the preceding constitution be laid before the United States in Congress assembled; and that it is the opinion of this convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled."

—

*Act of the General Assembly of Rhode Island calling a convention under the above resolution, passed at their January session, A. D.* 1790.

"AN ACT for calling a convention to take into consideration the constitution proposed for the United States, passed on the 17th of September, A. D. 1787, by the general convention held at Philadelphia.

"*Be it enacted by this General Assembly, and by the authority thereof it is hereby enacted*, That the new constitution proposed for the United States, passed on the 17th of September, A. D. 1787, by the general convention held at Philadelphia, be submitted to the people of this State, represented in a State convention, for their full and free investigation and decision agreeably to the resolve of the said convention; that it be recommended to the freemen of the several towns qualified to vote in the election of deputies to the General Assembly, to convene in their respective towns, in legal town meeting, on the second Monday in February next, and then to choose the same number of delegates as they are entitled to elect deputies to represent them in the said convention; and that the said convention be holden at South Kingstown, on the first Monday in March next.

"*And be it further enacted by the authority aforesaid*, That the said convention be, and hereby is, empowered and fully authorized finally to decide on the said constitution, as they shall judge to be most conducive to the interests of the people of this State, and that the said convention cause the result of their deliberations and proceedings relative to the aforesaid constitution to be transmitted to the President of the United States of America as soon after the rising thereof as may be.

"*It is voted and resolved*, That his excellency the Governor be, and he is hereby, requested to transmit a copy of this act to the President of the United States immediately.

"*It is ordered*, That the Secretary cause copies hereof to be transmitted to each town clerk in the State, without the least delay."

—

This act, it will be seen, was passed by the General Assembly of Rhode Island. Yet it is said that there was no way, under the charter of Rhode

Island, for the calling a convention to make a constitution. If so, by what authority did the Rhode Island convention adopt the constitution of the United States?

Again: it will be observed that this act of the Assembly calls upon "the freemen of Rhode Island who were qualified to vote for members of the General Assembly," as the "legal people" who were to constitute the convention which was, "in the name of the people of Rhode Island," to adopt or reject the constitution of the United States.

The resolution of the convention which formed the constitution of the United States, which required that it should be laid before Congress, and, "in the opinion of this convention, submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature;" the resolution of Congress on the 28th of September, 1787, by which they resolved to transmit "the report, resolutions, and letter of the said convention to the several Legislatures, to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention," and the proceedings in each State thereupon; and the subsequent resolutions of Congress declaring the constitution ratified by the States, constitute a body of constitutional law in relation to constitution-making, which is entitled to as much reverence as the constitution itself. The character of the men who composed the convention which formed this constitution, and who composed the Congress which determined the question of its ratification, gives to these precedents a weight of authority from which no wise man would desire to appeal.

We now subjoin the ratification of the constitution of the United States by the people of Rhode Island.

On the 16th of June, 1790, the following ratification, by the State of Rhode Island, was communicated to Congress:

"RHODE ISLAND.

[The constitution of the United States of America precedes the following ratification.]

"*Ratification of the constitution by the convention of the State of Rhode Island and Providence Plantations.*

"We, the delegates of the people of the State of Rhode Island and Providence Plantations, duly elected and met in convention, having maturely considered the constitution for the United States of America, agreed to on the seventeenth day of September, in the year one thousand seven hundred and eighty-seven, by the convention then assembled at Philadelphia, in the Commonwealth of Pennsylvania, (a copy whereof precedes these presents,) and having also seriously and deliberately considered the present situation of this State, do declare and make known—

"I. That there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

"II. That all power is naturally vested in, and consequently derived from, the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them.

"III. That the powers of government may be reassumed by the people whensoever it shall become necessary to their happiness; that the rights of

the States, respectively, to nominate and appoint all State officers, and every other power, jurisdiction, and right, which is not by the said constitution clearly delegated to the Congress of the United States, or to the departments of government thereof, remain to the people of the several States, or their respective State Governments, to whom they may have granted the same; and that those clauses in the said constitution which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said constitution, but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

"IV. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men have an equal, natural, and unalienable right to the free exercise of religion according to the dictates of conscience; and that no particular religion, sect, or society, ought to be favored or established by law, in preference to others.

"V. That the legislative, executive, and judiciary powers of government should be separate and distinct; and that the members of the two first may be restrained from oppression, by feeling and participating the public burdens, they should at fixed periods be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections, in which all or any part of the former members to be eligible, or ineligible, as the rules of the constitution of government and the laws shall direct.

"VI. That elections of representatives in the Legislature ought to be free and frequent; and all men having sufficient evidence of permanent common interest with, and attachment to, the community, ought to have the right of suffrage; and no aid, charge, tax, or fee can be set, rated, or levied upon the people without their own consent, or that of their representatives so elected, nor can they be bound by any law to which they have not in like manner assented for the public good.

"VII. That all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people in the Legislature, is injurious to their rights, and ought not to be exercised.

"VIII. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, (except in the government of the land and naval forces,) nor can he be compelled to give evidence against himself.

"IX. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, privileges, or franchises, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the trial by jury, or by the law of the land.

"X. That every freeman restrained of his liberty is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

"XI. That in controversies respecting property, and in suits between man and man, the ancient trial by jury, as hath been exercised by us and our ancestors, from the time whereof the memory of man is not to the con-

trary, is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolable.

"XII. That every freeman ought to obtain right and justice, freely and without sale, completely and without denial, promptly and without delay; and that all establishments or regulations contravening these rights are oppressive and unjust.

"XIII. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

"XIV. That every person has a right to be secure from all unreasonable searches and seizures of his person, his papers, or his property; and, therefore, that all warrants to search suspected places, or seize any person, his papers, or his property, without information upon oath, or affirmation of sufficient cause, are grievous and oppressive; and that all general warrants (or such in which the place or person suspected is not particularly designated) are dangerous, and ought not to be granted.

"XV. That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives; and that every person has a right to petition or apply to the Legislature for redress of grievances.

"XVI. That the people have a right to freedom of speech, and of writing and publishing their sentiments. That freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

"XVII. That the people have a right to keep and bear arms; that a well-regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defence of a free State; that the militia shall not be subject to martial law, except in time of war, rebellion, or insurrection; that standing armies, in time of peace, are dangerous to liberty, and ought not to be kept up, except in cases of necessity; and that at all times the military should be under strict subordination to the civil power; that, in time of peace, no soldier ought to be quartered in any house without the consent of the owner, and, in time of war, only by the civil magistrate, in such manner as the law directs.

"XVIII. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of an equivalent to employ another to bear arms in his stead.

"Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said constitution, and in confidence that the amendments hereafter mentioned will receive an early and mature consideration, and, conformably to the fifth article of said constitution, speedily become a part thereof—we, the said delegates, in the name and in the behalf of the people of the State of Rhode Island and Providence Plantations, do by these presents assent to and ratify the said constitution. In full confidence, nevertheless, that until the amendments hereafter proposed shall be agreed to and ratified, pursuant to the aforesaid fifth article, the militia of this State will not be continued in service out of this State for a longer term than six weeks, without the consent of the Legislature thereof; that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and that in those cases such power will only be exer-

cised until the Legislature of this State shall make provision in the premises; that the Congress will not lay direct taxes within this State, but when the moneys arising from the impost, tonnage, and excise shall be insufficient for the public exigencies, nor until the Congress shall have first made a requisition upon this State to assess, levy, and pay the amount of such requisition, made agreeable to the census fixed in the said constitution, in such way and manner as the Legislature of this State shall judge best, and that the Congress will not lay any capitation or poll tax."

"Done in convention at Newport, in the county of Newport, in the State of Rhode Island and Providence Plantations, the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

"By order of the convention,

"DANIEL OWEN, *President.*

"Attest: DANIEL UPDIKE, *Secretary.*"

"And the convention do, in the name and behalf of the people of the State of Rhode Island and Providence Plantations, enjoin it upon their Senators and Representative or Representatives, which may be elected to represent this State in Congress, to exert all their influence, and use all reasonable means, to obtain a ratification of the following amendments to the said constitution, in the manner prescribed therein, and in all laws to be passed by the Congress in the mean time, to conform to the spirit of the said amendments, as far as the constitution will admit:

"AMENDMENTS.

"I. The United States shall guaranty to each State its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this constitution expressly delegated to the United States.

"II. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion, to prescribe the same; or in case when the provision made by the State is so imperfect as that no consequent election is had, and then only until the Legislature of such State shall make provision in the premises.

"III. It is declared by the convention that the judicial power of the United States, in cases in which a State may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a State; but, to remove all doubts or controversies respecting the same, that it be especially expressed, as a part of the constitution of the United States, that Congress shall not, directly or indirectly, either by themselves, or through the judiciary, interfere with any one of the States, in the redemption of paper money already emitted, and now in circulation, or in liquidating or discharging the public securities of any one State; that each and every State shall have the exclusive right of making such laws and regulations for the before-mentioned purpose as they shall think proper.

"IV. That no amendments to the constitution of the United States, hereafter to be made pursuant to the fifth article, shall take effect, or become a part of the constitution of the United States, after the year one thousand seven hundred and ninety three, without the consent of eleven of the States heretofore united under the confederation.

"V. That the judicial powers of the United States shall extend to no possible case where the cause of action shall have originated before the ratification of this constitution; except in disputes between States about their territory, disputes between persons claiming lands under grants of different States, and debts due to the United States.

"VI. That no person shall be compelled to do military duty otherwise than by voluntary enlistment, except in cases of general invasion; any thing in the second paragraph of the sixth article of the constitution, or any law made under the constitution, to the contrary notwithstanding.

"VII. That no capitation or poll tax shall ever be laid by Congress.

"VIII. In cases of direct taxes, Congress shall first make requisitions on the several States to assess, levy, and pay their respective proportions of such requisitions, in such way and manner as the Legislatures of the several States shall judge best; and in case any State shall neglect or refuse to pay its proportion pursuant to such requisition, then Congress may assess and levy such State's proportion, together with interest at the rate of six per cent. per annum, from the time prescribed in such requisition.

"IX. That Congress shall lay no direct taxes without the consent of the Legislatures of three fourths of the States in the Union.

"X. That the journals of the proceedings of the Senate and House of Representatives shall be published, as soon as conveniently may be, at least once in every year; except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy.

"XI. That regular statements of the receipts and expenditures of all public moneys shall be published at least once a year.

"XII. As standing armies in time of peace are dangerous to liberty, and ought not to be kept up except in cases of necessity; and as, at all times, the military should be under strict subordination to the civil power, that, therefore, no standing army or regular troops shall be raised or kept up in time of peace.

"XIII. That no moneys be borrowed on the credit of the United States, without the assent of two thirds of the Senators and Representatives present in each House.

"XIV. That the Congress shall not declare war without the concurrence of two thirds of the Senators and Representatives present in each House.

"XV. That the words "without the consent of Congress," in the seventh clause in the ninth section of the first article of the constitution be expunged.

"XVI. That no judge of the Supreme Court of the United States shall hold any other office under the United States, or any of them; nor shall any officer appointed by Congress, or by the President and Senate of the United States, be permitted to hold any office under the appointment of any of the States.

"XVII. As a traffic tending to establish or continue the slavery of any part of the human species is disgraceful to the cause of liberty and humanity, that Congress shall, as soon as may be, promote and establish such laws and regulations as may effectually prevent the importation of slaves of every description into the United States.

"XVIII. That the State Legislatures have power to recall, when they think it expedient, their federal Senators, and to send others in their stead.

"XIX. That Congress have power to establish a uniform rule of inhabit-

ancy or settlement of the poor of the different States throughout the United States.

"XX That Congress erect no company with exclusive advantages of commerce.

"XXI. That when two members shall move or call for the ayes and nays on any question, they shall be entered on the journals of the Houses respectively.

"Done in convention at Newport, in the county of Newport, in the State of Rhode Island and Providence Plantations, the twenty ninth day of May, in the year of our Lord one thousand seven hundred and ninety, and the fourteenth year of the independence of the United States of America.

"By order of the convention.

"DANIEL OWEN, *President.*

"Attest: DANIEL UPDIKE, *Secretary.*"

These delegates, chosen under an act of the *General Assembly*, by the *freemen* of Rhode Island, it will be observed, declared themselves to be "the delegates of the PEOPLE OF THE STATE of Rhode Island and Providence Plantations, *duly elected*," &c. This shows what they understood by "THE PEOPLE," in their declaration of rights.

In regard to the right of *suffrage*, concerning which they made a declaration, and which has been quoted by some of those in Rhode Island who have contended for the "*largest liberty*," as being at variance with the laws of Rhode Island, it will be observed that it is far from countenancing the universal right, as existing in every man without respect to birth, country, character, or condition, but as belonging to "all men *having sufficient evidence of permanent common interest with, and attachment to, the community.*"

Who is to decide what is this "*sufficient evidence*," where there is a Government? Is every man to decide it for himself? Then, if a sufficient number of persons come into a State to constitute a majority of persons in such State, this new doctrine would give them a right, without reference to the laws of such State, or the time of their residence therein, to overturn the Government, "without law and against law." This may be the law of *force*, but it is anything but "CONSTITUTIONAL FREEDOM."

The delegates of the people of Rhode Island in the aforesaid convention declared, as one of the rights of the people, "that all power of *suspending laws*, or the *execution of laws*, by any authority, without the consent of the *representatives of the people in the Legislature*, is *injurious to their rights*, and ought not to be exercised."

Yet, without such consent, and against the will of the people thus expressed, (that is, in opposition to an act of the Legislature calling a convention to form a constitution,) was the (so called) "people's constitution" gotten up, and attempted to be imposed upon the people of Rhode Island, by *fraud*, and by *force!*

It will be observed that Rhode Island, in the amendments proposed to the constitution, in the very *first*, was careful to provide for the security of the *rights of the States*. It remains for her to see how these rights are to be respected by those who are acting under, and derive all their power from, a constitution which declares—

"The powers not delegated to the United States, by the constitution, nor prohibited by it to the States, are reserved to the *States respectively*, or *to the people.*"

Such was the form of government under which Rhode Island sent her delegates to the first continental Congress; such the form of government under which Rhode Island sent her delegates to the Congress of 1776, and united with the other States in the declaration of their independence. Such was the form of government under which Rhode Island agreed to the articles of confederation, and adopted that "more perfect union," the constitution of the United States. In doing all this, she reserved to herself all rights as a State, not expressly delegated by the articles of confederation, and subsequently by the constitution. In adopting this constitution, she gave up what was to her of great importance. Small in extent, having within her territory none of the vacant lands which had been wrested from the British crown by the joint exertion of all the States, (and in this contest Rhode Island did much more than her proportion,) she had no available sources of revenue to any extent, but those arising from *commerce;* and these she at length reluctantly surrendered. In doing this, she looked to the advantages secured to her by the constitution. For the security of her *State rights* she had an equal representation with the large States in the Senate of the United States; and, being a small State, she must have considered as most valuable those provisions which secured her from *domestic violence*, and guarantied her republican form of government. Little did she dream that the aid of Congress would be sought to encourage *domestic and revolutionary violence;* or that the form of her government, which was sufficiently *republican* for the patriots of 1776 and 1778, and the statesmen who formed the constitution of the United States, and which, in truth, was more *democratic* (the House of Representatives having been chosen under the charter *twice a year*) than the constitutions of most of the other States, that this form of government would be denounced as *anti republican!* And surely the people of Rhode Island had little reason to anticipate such dangers, if they understood the constitution as its most able expounders and interpreters, the authors of "*the Federalist*," represented it to the people for the purpose of persuading them to adopt it.

Mr. Madison, in the 43d number of the Federalist, has stated, as with the spirit of prophecy, the very case which so recently occurred in Rhode Island, and which he states as a case in which "the federal authority ought to support the State authority."

And in reference to the "guaranty to every State of a republican form of government," in the same number he says: "But the authority extends no further than to a *guaranty* of a *republican form* of government, which supposes a pre existing government of the form which is to be guarantied. As long, therefore, as the *existing republican forms are continued by the States*, they are guarantied by the federal constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the federal guaranty for the latter." But this substitution must be made under the *sanction of the established government*, that the act may be lawful and authentic; and not by revolutionary violence, from which the Government of the United States is bound to protect each State.

—

We have shown, by the acts of the General Assembly, what have been the fundamental laws of Rhode Island in relation to the right of suffrage, enacted by the representatives of the people, with a perfect freedom, under the charter, to legislate upon this subject as they pleased, from 1663 to

1767; always requiring the person to be admitted a freeman and a voter, to possess a "competent estate," of which the General Assembly were the judges, as they admitted the freemen by their own vote, originally, to the freedom of the colony. After a short time, the General Assembly gave power to the towns to admit persons to the freedom of the town, but still reserved to themselves the right of admitting persons to the freedom of the colony.

In 1723-'24 we have seen a freehold of £100 value was required, and that various laws were enacted from this time to 1767, which changed the nominal value of the freehold from £400 to £40—owing (as has been supposed, and most probably is the fact) to the difference between the real and the nominal value of the currency from time to time.

The law of 1767 remained substantially the law of Rhode Island on this subject until 1798. In 1798, the General Assembly reviewed all their laws, (as they have been in the habit of doing every twenty or thirty years,) and published the Digest of 1798. In this Digest is "*An act regulating the manner of admitting freemen, and directing the method of electing officers in this State.*"

The two first sections of this act are as follows:

"SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted*, That the freemen of each respective town in this State, at any of their town meetings, shall, and they hereby have, full power granted them to admit so many persons, inhabitants of their respective towns, freemen of their towns, as shall be qualified according to this act.

"SEC. 2. *And be it further enacted*, That no person whosoever shall be permitted to vote or act as a freeman in any town meeting in this State, but such only who are inhabitants therein, and who, at the time of such their voting and acting, are really and truly possessed, in their own proper right, of a real estate within this State, to the full value of one hundred and thirty four dollars, or which shall rent for seven dollars per annum—being an estate in fee simple, fee-tail, or an estate in reversion which qualifies no other person to be a freeman, or at least an estate for a person's own life, or the eldest son of such a freeholder; and that no estate of a less quality shall entitle any person to the freedom of this State."

At their January session, A. D. 1822, the General Assembly again revised their laws; and in that year was published the Digest of 1822. This Digest contains "An act regulating the manner of admitting freemen, and directing the method of electing officers in this State." (Pages 89 to 98.)

The 1st and 2d sections of this act are substantially the same as the above-quoted sections from the act of 1798; and such have been the requirements of the laws of Rhode Island to entitle a person to the right of suffrage, until the constitution which was regularly adopted by the people in 1842.

The freehold qualification was the law of this State by the positive enactment of the representatives of the people for more than one hundred years; and, as is believed, was always required by the General Assembly as a qualification for admission to the freedom of the colony, which has been, until recently, indissolubly connected with the right of suffrage.

Whatever the people of other States might think on this subject, the people of Rhode Island had a right to decide this question for themselves. The people of other States—the Congress of the United State—have no

right to interfere in this matter. If they have, what is to save us from that consolidation of the States which is so much to be dreaded? And what is to save the rights of the small States—the rights of all the States—from destruction?

Those who look upon this subject with wisdom and candor, will see, in the tenacity with which the people of Rhode Island have clung, in past times, to their freehold qualification as the anchor of their safety, the reason for their so doing. They will see in the narrow limits of the State a reason which must have operated upon the agricultural interest to prevent that extension of suffrage which would give to the floating population, which is connected with manufactures and commerce, a power to rule the State in opposition to those who owned and tilled the soil and freehold. The strength of the old republican party in Rhode Island lay in the country; and it is the country which has ever felt, until lately, that its strength and security lay in the freehold qualification.

It has been supposed that the "charter government" (as it has been called by way of reproach,) has been unwilling to change the form of government. If the General Assembly had always refused to pass any law to call a convention to enable the people to form a constitution until recently, there might have been some ground for this accusation; but there is no foundation in truth for such a statement.

In January, 1824, an act was passed calling a convention for this purpose. The people responded to this call; a convention assembled and formed a constitution, which was presented to the people for their adoption; but it was rejected by the people, who preferred to remain under the charter.

In June, 1834, the Legislature passed another act for the same purpose; a convention met, made some progress, and adjourned; but at the adjournment, no quorum appearing, and the convention doubting whether they had power to compel the attendance of the members, declined proceeding any further.

In January, 1841, the General Assembly passed another act upon this subject, and the people responded to the call; a convention met; a constitution containing a very liberal extension of suffrage was framed and proposed to the people, and this was rejected by a small majority—by the votes of the friends of the charter, and those who were determined to force upon the State what has been called "the people's constitution." After this act of January, 1841, was passed, a convention of the suffrage men called a convention by their own authority, which framed the (so called) "people's constitution."

By the rejection of the constitution framed by the convention under the act of January, 1841, the State of Rhode Island continued, as of course, under the old form of government.

At the *June session* of the General Assembly, A. D. 1842, another act was passed, calling a convention of the people of this State to form a constitution. This act was understood to be satisfactory to many of the leaders of the Dorr party, and was passed in the hope of settling peaceably the troubles of the State. But it was not satisfactory to the leader of this party; and the General Assembly was summoned, immediately after the passage of this act, to take measures to defend the State from invasion and insurrection. From Newport they adjourned to Providence—there declared martial law, and in a few days the leader of the insurgents fled the State, and

the insurgent camp at *Chepachet* was broken up. Under the act of June, 1842, a convention of the people was held, a constitution formed and adopted by the people, and a government organized under it at Newport, in May, 1843, with all the requisite and legal formalities, which now constitutes the government of the State.

Subjoined are the legislative documents in relation to these several calls upon the people to form a constitution, from 1824 to 1842:

ACT OF JANUARY, 1821.

AN ACT to authorize the holding a convention for the purpose of forming a written constitution of government for this State.

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted*, That the freemen of the several towns within this State, qualified to vote for general officers therein, be, and they hereby are requested, at the annual town meetings in April next, to choose so many delegates (and of like qualifications) as they are now respectively entitled to choose representatives in the General Assembly, to attend a convention for the purpose of framing a written constitution of government for this State.

SEC. 2. *And be it further enacted*, That the delegates thus chosen shall meet in convention at Newport, on the twenty first day of June next, for the purpose aforesaid; that a majority of the whole number of delegates which all the towns are entitled to choose shall constitute a quorum, who may elect a president and secretary, judge of the qualifications of the members returned, and establish such rules and regulations for their government as they may think necessary: provided, however, that any town which may neglect to elect its legal number of delegates at the said town meetings in April, may elect such delegates at any time previous to the meeting of said convention: provided, also, that said convention shall have power to adjourn from day to day, until a quorum may be formed, and until they shall have completed the object of their appointment.

SEC. 3. *And be it further enacted*, That after said convention shall have framed such a constitution of government as they may think proper, the same shall be submitted to the freemen for their ratification in town meeting to be called or holden at such time as shall be directed by said convention; that the secretary of said convention shall, immediately after the dissolution thereof, return to the Secretary of this State a true and attested copy of such constitution, signed by the president and secretary of said convention; that the Secretary of this State shall thereupon forthwith prepare and distribute to the several town clerks, in due proportion, five hundred printed copies thereof, and also eight thousand ballots, on the face of which shall be printed as follows, viz: "Do you ratify the constitution framed by the delegates met in convention at Newport, on the twenty-first day of June, A. D. 1824?" and on the back thereof—"Yes" or "No."

SEC. 4. *And be it further enacted*, That at the town meetings to be called or holden as aforesaid, every freeman voting therein shall write his name on the back of such ballot, which ballots shall be by the several town clerks sealed up in open town meeting, and, together with a copy of the list of the names of the persons who voted, shall be returned to the General Assembly at its session next after the freemen have so voted thereon. And the said General Assembly shall examine and count the same, as votes for general officers are received and counted; and if, upon such examina-

tion, it shall appear that three fifths of the ballots thus returned are in favor of the ratification of such constitution, the same shall thereby be ratified and established accordingly, and the said constitution shall go into operation and effect at such time and in such manner as said convention shall prescribe.

—

ACT OF JUNE, 1834.

AN ACT to provide for holding a convention for the purposes therein mentioned.

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted*, That on the first Monday of September next, a convention shall be holden at Providence, for the purpose of amending the present, or proposing a new constitution for this State.

SEC. 2. *And be it further enacted*, That the freemen of the several towns within this State, and of the city of Providence, qualified to vote for general officers, be, and they are hereby, requested to choose, at the semi-annual town or ward meetings in August next, so many delegates, and of like qualifications as they are now respectively entitled to choose representatives to the General Assembly, to attend said convention.

SEC. 3. *And be it further enacted*, That a majority of the whole number of delegates which all the towns are entitled to choose, shall constitute a quorum, who may elect a president and secretary, judge of the qualifications of the members, and establish such rules of proceeding as they may think necessary; and any town or city which may omit to elect its delegates at the said meetings in August, may elect them at any time previous to the meeting of the said convention.

SEC. 4. *And be it further enacted*, That the constitution or amendments agreed upon by said convention shall be submitted to the freemen in open town or ward meetings, to be holden at such time as may be named by said convention. The said constitution or amendments shall be certified by the president and secretary, and returned to the Secretary of State, who shall forthwith distribute to the several town or city clerks, in due proportion, one thousand printed copies thereof, and also fifteen thousand ballots, on one side of which shall be printed "Amendments (or constitution) adopted by the convention held at Providence on the first Monday of September last;" and on the other side the word *approve* on one half of said ballots, and the word *reject* on the other half.

SEC. 5. *And be it further enacted*, That at the town or ward meetings to be holden as aforesaid, every freeman voting shall have his name written on the back of his ballot, and the ballots shall be sealed up in open town or ward meeting by the clerks, and, with lists of the names of the voters, shall be returned to the General Assembly at its next succeeding session. And said General Assembly shall cause said ballots to be examined and counted. And said amendments or constitution, being approved of by a majority of the freemen voting, shall go into operation and effect at such time as may be appointed by said convention.

SEC. 6. *And be it further enacted*, That a sum not exceeding three hundred dollars be appropriated for defraying the expenses of said convention, to be paid according to the order of said convention, certified by its president; and that the members thereof shall have no claim on the treasury of the State for pay for their attendance thereon.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1841.

*Resolved by the General Assembly*, (the Senate concurring with the House of Representatives therein,) That the freemen of the several towns in this State, and of the city of Providence, qualified to vote for general officers, be, and they are hereby, requested to choose, at their semi-annual town or ward meetings in August next, so many delegates, and of like qualifications, as they are now respectively entitled to choose representatives to the General Assembly, to attend a convention, to be holden at Providence on the first Monday of November, 1841, to frame a new constitution for this State, either in whole or in part, with full powers for this purpose; and, if only for a constitution in part, that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives.

*Resolved*, That a majority of the whole number of delegates which all the towns are entitled to choose shall constitute a quorum, who may elect a president and secretary, judge of the qualifications of the members, and establish such rules and proceedings as they may think necessary; and any town or city which may omit to elect its delegates at the said meetings in August, may elect them at any time previous to the meeting of said convention.

*Resolved*, That the constitution or amendments agreed upon by such convention shall be submitted to the freemen in open town or ward meetings, to be holden at such time as may be named by said convention. The said constitution or amendments shall be certified by the president and secretary, and returned to the Secretary of State, who shall forthwith distribute to the several town and city clerks, in due proportion, one thousand printed copies thereof, and also fifteen thousand ballots, on one side of which shall be printed "amendments," or, "constitution adopted by the convention holden at Providence on the first Monday of November last;" and on the other side, the word *approve* on one half of the said ballots, and the word *reject* on the other half.

*Resolved*, That, at the town or ward meetings to be holden as aforesaid, every freeman voting shall have his name written on the back of his ballot; and the ballots shall be sealed up in open town or ward meeting by the clerks, and, with lists of the names of the voters, shall be returned to the General Assembly, at its next succeeding session; and said General Assembly shall cause said ballots to be examined and counted; and said amendments, or constitution, being approved of by a majority of the freemen voting, shall go into operation and effect at such time as may be appointed by said convention.

*Resolved*, That a sum not exceeding three hundred dollars be appropriated for defraying the expenses of said convention, to be paid according to the order of said convention, certified by its president.

True copy:—Witness,

HENRY BOWEN, *Secretary.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, May session, A. D.* 1841.

*Resolved by this General Assembly*, (the Senate concurring with the House of Representatives therein,) That the delegates from the several towns to the State convention, to be holden in November next, for the purpose of framing a State constitution, be elected on the basis of population, in the following manner, to wit: every town of not more than 850 inhabitants may elect one delegate; of more than 850 and not more than 3,000 inhabitants, two delegates; of more than 3,000 and not more than 6,000 inhabitants, three delegates; of more than 6,000 and not more than 10,000 inhabitants, four delegates; of more than 10,000 and not more than 15,000 inhabitants, five delegates; of more than 15,000 inhabitants, six delegates.

*Resolved*, That the delegates attending said convention be entitled to receive from the general treasury the same pay as members of the General Assembly.

*Resolved*, That so much of the resolutions to which these are in amendment, as is inconsistent herewith, be repealed.

True copy:—Witness,

HENRY BOWEN, *Secretary.*

—

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1842.

*Resolved by this General Assembly*, (the Senate concurring with the House of Representatives therein,) That the freemen of the towns in this State, in whose delegation to the convention called to frame a constitution vacancies have occurred since the meeting of that convention, or may hereafter occur, be requested to elect delegates to fill those vacancies at town and ward meetings, to be holden before or during the session of said convention; notice of such meetings to be given at least one day previous to the holding thereof.

True copy:—Witness,

HENRY BOWEN, *Secretary.*

—

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1842.

AN ACT in amendment of an act entitled "An act revising the act entitled 'An act regulating the manner of admitting freemen, and directing the method of electing officers in this State.'"

Whereas the good people of this State having elected delegates to a convention to form a constitution, which constitution, if ratified by the people, will be the supreme law of the State: therefore,

*Be it enacted by the General Assembly, as follows:*

All persons now qualified to vote, and those who may be qualified to vote under the existing laws previous to the time of such their voting, and all persons who shall be qualified to vote under the provisions of such constitution, shall be qualified to vote upon the question of the adoption of said constitution.

True copy: Witness,

HENRY BOWEN, *Secretary.*

At the session of the General Assembly, in January, 1842, the convention which assembled *under their own authority*, communicated the (so called) "*People's constitution*" to the General Assembly, with their declaration that it had been adopted by the people, and was now "*the supreme law of the State.*" The General Assembly at this session passed the following resolutions:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, January session, A. D.* 1842.

Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such constitution to be the supreme law, and have communicated such constitution unto this General Assembly: and whereas many of the good people of this State are in danger of being misled by these informal proceedings: therefore,

*It is hereby resolved by this General Assembly*, That all acts done by the persons aforesaid, for the purpose of imposing upon this State a constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.

*Resolved*, That the convention called and organized, in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this State, is the only body which we can recognise as authorized to form such a constitution; and to this constitution the whole people have a right to look, and we are assured they will not look in vain, for such a form of government as will promote their peace, security, and happiness.

*Resolved*, That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people.

True copy:—Witness,

HENRY BOWEN, *Secretary.*

—

ACT OF JUNE, 1842.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, June session, A. D.* 1842.

AN ACT to provide for calling a convention of the people of this State for the purpose of forming a new constitution or form of government for the people thereof.

*Be it enacted by the General Assembly as follows:*

SECTION 1. The people of the several towns in this State, and of the city of Providence, qualified to vote as hereinafter provided, are hereby requested, at the town or ward meetings holden on the last Tuesday of August next, to choose so many delegates as they will be severally entitled to, according to the provisions of this act, to attend a convention to be holden at Newport, on the second Monday of September next, to frame a new constitution for this State, either in whole or in part, with full powers for that purpose.

SEC. 2. A majority of the whole number of delegates which all the towns and city of Providence are entitled to elect, shall constitute a quo-

rum, who may elect a president, secretaries, and other officers, judge of the election and qualification of members, punish contempts, and establish such rules and proceedings as they may deem proper. Said convention may adjourn to any place they may think proper. Any town or city which may fail to elect its delegates at the time prescribed, may choose them at any time before the meeting of the convention; and vacancies, from resignations or otherwise, may be filled at any time by a new election.

Sec. 3. The constitution or articles agreed upon by the convention shall be submitted to those qualified to vote as hereinafter provided, in open town or ward meetings, to be held on such day or days, and in such time and manner as the convention shall direct. The constitution or articles shall be certified by the president and secretaries, and, with the journal and papers of the convention, deposited in the office of the Secretary of State, who shall immediately distribute to the several town and city clerks, in due proportion, five thousand printed copies of the constitution or articles, in pamphlet form, and also thirty thousand ballots; on one side of which shall be printed "Constitution, or articles proposed by the convention holden at Newport on the second Monday of September, A. D. 1842;" and on the other side thereof shall be written or printed the word "adopt" on one half of them, and the word "reject" on the other half. He shall also cause said constitution or articles to be published in any other manner the convention may prescribe.

Sec. 4. At said town or ward meetings every person voting shall have his name written on the back of his ballot; and the ballots shall be sealed up in open town or ward meeting by the clerks, and, with lists of the voters, be returned to the General Assembly, at the next session thereof, who shall cause the votes to be examined and counted; and if said constitution or articles be adopted by a majority of the persons having a right to vote, the same shall go into operation at such time or times, and in such manner, as shall be appointed by the convention.

Sec. 5. The delegates to said convention shall be elected upon a basis of population according to the census of 1840, as follows: Every town of not more than 3,000 inhabitants may elect two delegates; over 3,000, and not over 6,000, three delegates; over 6,000, and not over 10,000, four delegates; over 10,000, and not over 15,000, five delegates; and over 15,000, six delegates.

Sec. 6. In the choice of delegates to said convention, the following description of persons shall be admitted to vote: All those who are qualified to vote for general officers by existing laws; and all native male citizens of the United States, (except Narragansett Indians, convicts, paupers, persons under guardianship and *non compos mentis*,) who are of the age of 21 years and upwards, and who shall have had their permanent residence or home within this State for the period of three years next preceding their voting, and in the town or city wherein they offer to vote for the period of one year next preceding such voting, and who shall have had their names recorded with the town or city clerk of the town or city in which they shall offer to vote, in proper books, to be kept by said town or city clerks for that purpose, at least ten days before the day of voting. In voting upon the adoption or rejection of said constitution or articles, in addition to those who are qualified to vote for general officers by the existing laws, all those shall be admitted to vote who will be qualified to vote for general officers under the provisions of said constitution or articles, if in force; but this

provision shall not be construed to give to any person a right to vote at any town or ward meeting, held under and by virtue of this act, upon any other question or questions than the questions herein specifically named.

SEC. 7. The delegates shall receive the same compensation for attendance as members of the General Assembly, payable upon the certificate of the secretary.

SEC. 8. A sum, not exceeding five hundred dollars, is hereby appropriated for defraying the expenses of said convention, to be paid out of the treasury to the order of the president thereof.

SEC. 9. It shall be the duty of the town, city, and ward clerks to warn, according to law, the meetings hereby appointed, and those which may be ordered by said convention.

SEC. 10. Any fourteen members of the convention, including the president, (if there be one,) shall have full power and authority to compel the attendance of absent members. It shall be the duty of the sheriff of the county where the convention shall be in session, to attend said convention, and execute the orders thereof.

SEC. 11. Whenever in any town or ward meeting holden under this act, any dispute shall arise as to any person's residence, or other qualifications, the moderator or warden, or person presiding in said meetings, shall have authority to examine, under oath, the person offering to vote, and other persons who may be present, respecting the same, and decide upon his qualification, subject to review by the General Assembly.

A true copy:—Witness,

HENRY BOWEN, *Secretary.*

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In Convention at Newport, September* 29, 1842.

Whereas, from the manifest impracticability of ascertaining the precise number of persons that might have a right to vote on the adoption of any constitution to be submitted for adoption under the provisions of the act calling this convention, it is inferrible that it is the true intent of said act that none but those actually voting should be counted: and whereas there is an ambiguity in said act in this particular: Therefore,

*Resolved*, That the General Assembly be requested to pass such declaratory law as may be deemed necessary for the plainer expression of the intent and meaning of the act aforesaid.

Read and adopted.

THOMAS A. JENCKES, *Secretary.*

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In General Assembly, October session, A. D.* 1842.

AN ACT to amend "An act to provide for calling a convention of the people of this State for the purpose of forming a new constitution or form of government for the people thereof," passed at the June session, A. D. 1842.

Whereas the convention which assembled at Newport on the second Monday of September last, in pursuance of the provisions of the act afore-

said, have requested this General Assembly to declare the true intent and construction of a portion of the fourth section of said act: Therefore,

*Be it enacted by the General Assembly, as follows:*

If the constitution or articles that may be framed and submitted to the people under the provisions of said act, be adopted by a majority of the persons having a right to vote, and actually voting, upon the question of adopting the same, the said constitution or articles shall become the supreme law of the State; and shall go into operation at such time or times, and in such manner, as shall be appointed by said convention.

True copy:—Witness,

HENRY BOWEN, *Secretary.*

---

*The Constitution of the State of Rhode Island and Providence Plantations, adopted November, 1842.*

We, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and to transmit the same, unimpaired, to succeeding generations, do ordain and establish this Constitution of Government.

ARTICLE I.

*Declaration of certain constitutional rights and principles.*

In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, we do declare that the essential and unquestionable rights and principles hereinafter mentioned shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial, and executive proceedings.

Section 1. In the words of the Father of his country, we declare that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

Sec. 2. All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the State ought to be fairly distributed among its citizens.

Sec. 3. Whereas Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness: and whereas a principal object of our venerable ancestors, in their migration to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment that a flourishing civil State may stand and be best maintained with full liberty in religious concernments: we, therefore, declare that no man shall be compelled to frequent or to support any religious worship, place, or ministry whatever, except in fulfilment of his own voluntary contract; nor enforced, restrained, molested, or burdened in his body or goods; nor disqualified from holding any office; nor other-

wise suffer on account of his religious belief; and that every man shall be free to worship God according to the dictates of his own conscience, and to profess, and by argument to maintain, his opinion in matters of religion; and that the same shall in nowise diminish, enlarge, or affect his civil capacity.

Sec. 4. Slavery shall not be permitted in this State.

Sec. 5. Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely and without purchase, completely and without denial, promptly and without delay, conformably to the laws.

Sec. 6. The right of the people to be secure in their persons, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be the place to be searched, and the persons or things to be seized.

Sec. 7. No person shall be held to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or of such offences as are cognizable by a justice of the peace; or in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger. No person shall, after an acquittal, be tried for the same offence.

Sec. 8. Excessive bail shall not be required, nor excessive fines imposed nor cruel punishments inflicted; and all punishments ought to be proportioned to the offence.

Sec. 9. All persons imprisoned ought to be bailed by sufficient surety, unless for offences punishable by death or by imprisonment for life, when the proof of guilt is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it; nor ever, without the authority of the General Assembly.

Sec. 10. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favor, to have the assistance of counsel in his defence, and shall be at liberty to speak for himself; nor shall he be deprived of life, liberty, or property, unless by the judgment of his peers, or the laws of the land.

Sec. 11. The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison after he shall have delivered up his property for the benefit of his creditor, in such manner as shall be prescribed by law.

Sec. 12. No ex post facto law, or law impairing the obligation of contracts, shall be passed.

Sec. 13. No man in a court of common law shall be compelled to give evidence criminating himself.

Sec. 14. Every man being presumed innocent until he is pronounced guilty by the law, no act of severity which is not necessary to secure an accused person shall be permitted.

Sec. 15. The right of trial by jury shall remain inviolate.

Sec. 16. Private property shall not be taken for public uses without just compensation.

Sec. 17. The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this State. But no new right is intended to be granted, nor any existing right impaired, by this declaration.

Sec. 18. The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases, only, as occasion shall necessarily require.

Sec. 19. No soldier shall be quartered in any house, in time of peace, without the consent of the owner; nor in time of war, but in manner to be prescribed by law.

Sec. 20. The liberty of the press being essential to the security of freedom in a state, any person may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defence to the person charged.

Sec. 21. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances, or for other purposes, by petition, address, or remonstrance.

Sec. 22. The right of the people to keep and bear arms shall not be infringed.

Sec. 23. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

## ARTICLE II.

### *Of the qualification of electors.*

Section 1. Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this State for one year, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, and who is really and truly possessed, in his own right, of real estate in such town or city, of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved, or the interest of any incumbrances thereon, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days, shall thereafter have a right to vote in the election of all civil officers, and on all questions in all legal town or ward meetings, so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this State, out of the town or city in which he resides, he shall have a right to vote in the election of all general officers, and members of the General Assembly, in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter; and that the deed, if any, has been recorded ninety days.

Sec. 2. Every [ ] male native citizen of the United States, of the age of

twenty one years, who has had his residence and home in this State two years, and in the town or city in which he may offer to vote six months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this constitution, or shall be registered in the office of the clerk of such town or city at least seven days before the time he shall offer to vote, and before the last day of December in the present year, and who has paid or shall pay a tax or taxes assessed upon his estate within this State, and within a year of the time of voting, to the amount of one dollar, or who shall voluntarily pay at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as, with his other taxes, shall amount to one dollar, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer, or collector of any town or city where such payment is made; or who, being so registered, has been enrolled in any military company in this State, and done military service or duty therein, within the present year, pursuant to law, and shall (until other proof is required by law) prove by the certificate of the officer legally commanding the regiment, or chartered or legally authorized volunteer company, in which he may have served or done duty, that he has been equipped and done duty according to law, or, by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the first year after the adoption of this constitution, or until the end of the year eighteen hundred and forty-three.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show, by legal proof, that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State, to the amount of one dollar, or that he has been enrolled in a military company in this State, been equipped and done duty therein, according to law, and at least for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings: *Provided*, That no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall, within the year next preceding, have paid a tax assessed upon his property therein, valued at least at one hundred and thirty-four dollars.

Sec. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar; which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein. But no compulsory process shall issue for the collection of any registry tax: *Provided*, That the registry tax of every person who has performed military duty according to the provisions of the preceding section, shall be remitted for the year he shall perform such duty; and the registry tax assessed upon any mariner, for any year while he is at sea, shall upon his application be remitted; and no person shall be

allowed to vote whose registry tax, for either of the two years next preceding the time of voting, is not paid or remitted as herein provided.

SEC. 4. No person in the military, naval, marine, or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State; and no pauper, lunatic, person *non compos mentis*, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, unless he be expressly restored thereto by act of the General Assembly.

SEC. 5. Persons residing on lands ceded by this State to the United States, shall not be entitled to exercise the privilege of electors.

SEC. 6. The General Assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption, and fraud in voting.

## ARTICLE III.

### *Of the distribution of powers.*

The powers of government shall be distributed into three departments—the legislative, executive, and judicial.

## ARTICLE IV.

### *Of the legislative power.*

SECTION 1. This constitution shall be the supreme law of the State, and any law inconsistent therewith shall be void. The General Assembly shall pass all laws necessary to carry this constitution into effect.

SEC. 2. The legislative power under this constitution shall be vested in two Houses—the one to be called the Senate, the other the House of Representatives; and both together, the General Assembly. The concurrence of the two Houses shall be necessary to the enactment of laws. The style of their laws shall be, *It is enacted by the General Assembly as follows.*

SEC. 3. There shall be two sessions of the General Assembly holden annually—one at Newport, on the first Tuesday of May, for the purposes of election and other business; the other on the last Monday of October, which last session shall be holden at South Kingstown once in two years, and the intermediate years alternately at Bristol and East Greenwich; and an adjournment from the October session shall be holden annually at Providence.

SEC. 4. No member of the General Assembly shall take any fee, or be of counsel in any case pending before either House of the General Assembly, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the House of which he is a member.

SEC. 5. The person of every member of the General Assembly shall be exempt from arrest, and his estate from attachment, in any civil action, during the session of the General Assembly, and two days before the com-

mencement, and two days after the termination thereof; and all process served contrary hereto shall be void. For any speech in debate, in either House, no member shall be questioned in any other place.

Sec. 6. Each House shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be prescribed by such House or by law. The organization of the two Houses may be regulated by law, subject to the limitations contained in this constitution.

Sec. 7. Each House may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Sec. 8. Each House shall keep a journal of its proceedings. The yeas and nays of the members of either House shall, at the desire of one-fifth of those present, be entered on the journal.

Sec. 9. Neither House shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.

Sec. 10. The General Assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution.

Sec. 11. The Senators and Representatives shall receive the sum of one dollar for every day of attendance, and eight cents per mile for travelling expenses in going to and returning from the General Assembly. The General Assembly shall regulate the compensation of the Governor and all other officers, subject to the limitations contained in this constitution.

Sec. 12. All lotteries shall hereafter be prohibited in this State, except those already authorized by the General Assembly.

Sec. 13. The General Assembly shall have no power hereafter, without the express consent of the people, to incur State debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of insurrection or invasion; nor shall they in any case, without such consent, pledge the faith of the State for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with this State by the Government of the United States.

Sec. 14. The assent of two-thirds of the members elected to each House of the General Assembly shall be required to every bill appropriating the public money or property for local or private purposes.

Sec. 15. The General Assembly shall, from time to time, provide for making new valuations of property for the assessment of taxes, in such manner as they may deem best. A new estimate of such property shall be taken before the first direct State tax after the adoption of this constitution shall be assessed.

Sec. 16. The General Assembly may provide by law for the continuance in office of any officers of annual election or appointment, until other persons are qualified to take their places.

Sec. 17. Hereafter when any bill shall be presented to either House of the General Assembly, to create a corporation for any other than for religious, literary, or charitable purposes, or for a military or fire company, it shall be continued until another election of members of the General Assem-

bly shall have taken place; and such public notice of the pendency thereof shall be given as may be required by law.

Sec. 18. It shall be the duty of the two Houses, upon the request of either, to join in grand committee for the purpose of electing Senators in Congress, at such times, and in such manner, as may be prescribed by law for said elections.

ARTICLE V.

*Of the House of Representatives.*

Section 1. The House of Representatives shall never exceed seventy-two members, and shall be constituted on the basis of population, always allowing one Representative for a fraction exceeding half the ratio; but each town or city shall always be entitled to at least one member; and no town or city shall have more than one-sixth of the whole number of members to which the House is hereby limited. The present ratio shall be one Representative to every fifteen hundred and thirty inhabitants; and the General Assembly may, after any new census taken by the authority of the United States or of this State, re-apportion the representation by altering the ratio; but no town or city shall be divided into districts for the choice of Representatives.

Sec. 2. The House of Representatives shall have authority to elect its speaker, clerks, and other officers. The senior member from the town of Newport, if any be present, shall preside in the organization of the House.

ARTICLE VI.

*Of the Senate.*

Section 1. The Senate shall consist of the Lieutenant Governor, and of one Senator from each town or city in the State.

Sec. 2. The Governor, and, in his absence, the Lieutenant Governor, shall preside in the Senate, and in grand committee. The presiding officer of the Senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

Sec. 3. If, by reason of death, resignation, absence, or other cause, there be no Governor or Lieutenant Governor present, to preside in the Senate, the Senate shall elect one of their own members to preside during such absence or vacancy; and until such election is made by the Senate, the Secretary of State shall preside.

Sec. 4. The Secretary of State shall, by virtue of his office, be Secretary of the Senate, unless otherwise provided by law; and the Senate may elect such other officers as they may deem necessary.

ARTICLE VII.

*Of the executive power.*

Section 1. The chief executive power of this State shall be vested in a Governor, who, together with a Lieutenant Governor, shall be annually elected by the people.

Sec. 2. The Governor shall take care that the laws be faithfully executed.

Sec. 3. He shall be captain-general and commander-in-chief of the military and naval forces of this State, except when they shall be called into the service of the United States.

Sec. 4. He shall have power to grant reprieves, after conviction, in all cases, except those of impeachment, until the end of the next session of the General Assembly.

Sec. 5. He may fill vacancies in office not otherwise provided for by this constitution or by law, until the same shall be filled by the General Assembly or by the people.

Sec. 6. In case of disagreement between the two Houses of the General Assembly, respecting the time or place of adjournment, certified to him by either, he may adjourn them to such time and place as he shall think proper: *Provided*, That the time of adjournment shall not be extended beyond the day of the next stated session.

Sec. 7. He may, on extraordinary occasions, convene the General Assembly at any town or city in this State, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious disease in the place in which the General Assembly are by law to meet, or to which they may have been adjourned, or for other urgent reasons, he may, by proclamation, convene said Assembly at any other place within this State.

Sec. 8. All commissions shall be in the name and by authority of the State of Rhode Island and Providence Plantations; shall be sealed with the State seal, signed by the Governor, and attested by the Secretary.

Sec. 9. In case of vacancy in the office of Governor, or of his inability to serve, impeachment, or absence from the State, the Lieutenant Governor shall fill the office of Governor, and exercise the powers and authority appertaining thereto, until a Governor is qualified to act, or until the office is filled at the next annual election.

Sec. 10. If the offices of Governor and Lieutenant Governor be both vacant, by reason of death, resignation, impeachment, absence, or otherwise, the person entitled to preside over the Senate for the time being shall, in like manner, fill the office of Governor during such absence or vacancy.

Sec. 11. The compensation of the Governor and Lieutenant Governor shall be established by law, and shall not be diminished during the term for which they are elected.

Sec. 12. The duties and powers of the Secretary, Attorney General, and General Treasurer, shall be the same under this constitution as are now established, or as, from time to time, may be prescribed by law.

## ARTICLE VIII.

### *Of elections.*

Section 1. The Governor, Lieutenant Governor, Senators, Representatives, Secretary of State, Attorney General, and General Treasurer, shall be elected at the town, city, or ward meetings, to be holden on the first Wednesday of April, annually; and shall severally hold their offices for one year, from the first Tuesday of May next succeeding, and until others are legally chosen, and duly qualified to fill their places. If elected or qualified

after the said first Tuesday of May, they shall hold their offices for the remainder of the political year, and until their successors are qualified to act.

Sec. 2. The voting for Governor, Lieutenant Governor, Secretary of State, Attorney General, General Treasurer, and Representatives to Congress, shall be by ballot; Senators and Representatives to the General Assembly, and town or city officers, shall be chosen by ballot, on demand of any seven persons entitled to vote for the same; and in all cases where an election is made by ballot, or paper vote, the manner of balloting shall be the same as is now required in voting for general officers, until otherwise prescribed by law.

Sec. 3. The names of the persons voted for as Governor, Lieutenant Governor, Secretary of State, Attorney General, and General Treasurer, shall be placed upon one ticket; and all votes for these officers shall, in open town or ward meetings, be sealed up by the moderators and town clerks, and by the wardens and ward clerks, who shall certify the same, and deliver or send them to the Secretary of State, whose duty it shall be securely to keep and deliver the same to the grand committee after the organization of the two Houses at the annual May session; and it shall be the duty of the two Houses, at said session, after their organization, upon the request of either House, to join in grand committee, for the purpose of counting and declaring said votes, and of electing other officers.

Sec. 4. The town and ward clerks shall also keep a correct list or register of all persons voting for general officers, and shall transmit a copy thereof to the General Assembly on or before the first day of said May session.

Sec. 5. The ballots for Senators and Representatives in the several towns shall, in each case after the polls are declared to be closed, be counted by the moderator, who shall announce the result, and the clerk shall give certificates to the persons elected. If in any case there be no election, the polls may be re-opened, and the like proceedings shall be had until an election shall take place: *Provided, however*, That an adjournment or adjournments of the election may be made to a time not exceeding seven days from the first meeting.

Sec. 6. In the city of Providence, the polls for Senator and Representatives shall be kept open during the whole time of voting for the day, and the votes in the several wards shall be sealed up at the close of the meeting by the wardens and ward clerks in open ward meeting, and afterwards delivered to the city clerk. The mayor and aldermen shall proceed to count said votes within two days from the day of election; and if no election of Senator and Representatives, or if an election of only a portion of the Representatives shall have taken place, the mayor and aldermen shall order a new election, to be held not more than ten days from the day of the first election, and so on until the election shall be completed. Certificates of election shall be furnished by the city clerk to the persons chosen.

Sec. 7. If no person shall have a majority of votes for Governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office, except when such a result is produced by rejecting the entire vote of any town, city, or ward for informality or illegality; in which case, a new election by the electors throughout the State shall be ordered; and in case no person shall have a majority of votes for Lieutenant Governor, it shall be the duty of the grand

committee to elect one by ballot from the two persons having the highest number of votes for the office.

Sec. 8. In case an election of the Secretary of State, Attorney General, or General Treasurer should fail to be made by the electors at the annual election, the vacancy or vacancies shall be filled by the General Assembly in grand committee, from the two candidates for such office having the greatest number of the votes of the electors. Or in case of a vacancy in either of said offices from other causes, between the sessions of the General Assembly, the Governor shall appoint some person to fill the same until a successor elected by the General Assembly is qualified to act; and in such case, and also in all other cases of vacancies not otherwise provided for, the General Assembly may fill the same in any manner they may deem proper.

Sec. 9. Vacancies from any cause in the Senate or House of Representatives may be filled by a new election.

Sec. 10. In all elections held by the people under this constitution, a majority of all the electors voting shall be necessary to the election of the persons voted for.

## ARTICLE IX

### *Of qualifications for office.*

Section 1. No person shall be eligible to any civil office, (except the office of school committee,) unless he be a qualified elector for such office.

Sec. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered, or procured any other person to offer, any bribe to secure his election, or the election of any other person.

Sec. 3. All general officers shall take the following engagement before they act in their respective offices, to wit: You ——— being by the free vote of the electors of this State of Rhode Island and Providence Plantations, elected unto the place of ———, do solemnly swear (or affirm) to be true and faithful unto this State, and to support the constitution of this State and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of your abilities, according to law: so help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury.

Sec. 4. The members of the General Assembly, the judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this constitution, and the constitution of the United States.

Sec. 5. The oath, or affirmation, shall be administered to the Governor, Lieutenant Governor, Senators, and Representatives, by the Secretary of State, or, in his absence, by the Attorney General. The Secretary of State, Attorney General, and General Treasurer, shall be engaged by the Governor, or by a justice of the supreme court.

Sec. 6. No person holding any office under the Government of the United States, or of any other State or country, shall act as a general officer, or as a member of the General Assembly, unless, at the time of taking his engagement, he shall have resigned his office under such Government. And if any general officer, Senator, Representative, or judge, shall, after his

annual meeting, shall approve any proposition thus made, the same shall be published and submitted to the electors in the mode provided in the act of approval; and if then approved by three fifths of the electors of the State present, and voting thereon in town and ward meetings, it shall become a part of the constitution of the State.

ARTICLE XIV.

*Of the adoption of this constitution.*

SECTION 1. This constitution, if adopted, shall go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-three. The first election of Governor, Lieutenant Governor, Secretary of State, Attorney General, and General Treasurer, and of Senators and Representatives under said constitution, shall be had on the first Wednesday of April next preceding, by the electors qualified under said constitution. And the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil and military officers now elected, or who shall be hereafter elected, by the General Assembly, or other competent authority, before the said first Wednesday of April, shall hold their offices, and may exercise their powers, until the said first Tuesday of May, or until their successors shall be qualified to act. All statutes, public and private, not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All charters, contracts, judgments, actions, and rights of action, shall be as valid as if this constitution had not been made. The present Government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-three, and until the Government, under this constitution, is duly organized.

SEC. 2. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the State as if this constitution had not been adopted.

SEC. 3. The supreme court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established; and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present supreme judicial court, until otherwise prescribed by the General Assembly.

SEC. 4. The towns of New Shoreham and Jamestown shall continue to enjoy the exemptions from military duty which they now enjoy, until otherwise prescribed by law.

Done in convention at East Greenwich, this fifth day of November, 1842.

JAMES FENNER, *President.*
HENRY Y. CRANSTON, *Vice President.*

THOMAS A. JENCKES, } *Secretaries.*
WALTER W. UPDIKE, }

---

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*In Convention, November* 5, *A. D.* 1842.

*Resolved*, That the constitution framed by this convention be certified by the officers thereof, and, with the journal and papers of the convention,

be deposited in the office of the Secretary of State, who shall cause said constitution, together with this resolution, and all acts and resolutions of the General Assembly relating to this convention, to be printed and distributed according to law; and that said constitution be submitted to all the people who may be by law authorized to vote thereon, for their ratification or rejection, at town or ward meetings to be holden in the several towns and in the city of Providence, on Monday, Tuesday, and Wednesday, the 21st, 22d and 23d days of November, A. D. 1842. The several town and city clerks shall issue the necessary warrants for said meetings. Said meetings shall be kept open for the reception of votes during the time herein specified, and longer if necessary, viz: from the hour of 9 o'clock in the forenoon until 4 o'clock in the afternoon; and in the town of Newport and city of Providence, until 7 o'clock in the evening on the days appointed.

In the first line of the second section of article second, relating to the qualification of electors, when the constitution is enrolled, there shall be a blank space left between the words *every* and *male;* and at the meetings hereinbefore appointed for voting upon the constitution, the following question shall also be separately submitted, to be voted upon by those who may be authorized to vote for or against said constitution, viz: "In case the constitution framed by the convention assembled at Newport in September, 1842, be adopted, shall the blank in the first line of section second of article second of said constitution be filled by the word *white?*" and a sufficient number of affirmative and negative ballots for this purpose shall be printed and distributed by the secretary. And in case said constitution be adopted, and there shall also be a majority of votes in favor of filling said blank with said word *white*, the General Assembly shall cause the blank to be so filled, and the same shall be a part of said constitution, in the same manner as if originally inserted therein by this convention. But if there be a majority of votes against filling said blank as aforesaid, the constitution shall be printed without said blank. And if said constitution, be not adopted, the vote taken in relation to said word *white* shall be of no effect. And the town and ward clerks shall keep separate lists of the votes of all colored persons under the second section of the article on the qualifications of electors, who may vote on the question of the adoption of the constitution, and also on the question of the insertion of the word *white* in said section; and these ballots shall be placed in separate parcels in the sealed packages of ballots to be returned by the town and ward clerks to the General Assembly.

The ballots upon the adoption of said constitution, and also upon the question in relation to said word *white*, shall be returned to the next session of the General Assembly holden after the meetings herein appointed, in order that they may cause the votes to be counted and the result declared.

Read and adopted.

THOS. A. JENCKES, *Secretary.*

---

In Convention, *November* 5, 1842.

*Resolved*, That the town and city clerks give immediate notice of the time appointed by this convention for voting upon this constitution, and also of the time appointed for the completion of the registry of votes according to the provisions of section second, article second, of said constitution; and

that the secretary of the convention cause copies of this resolution to be forwarded to all the town and city clerks in the State.

Read and adopted.

THOS. A. JENCKES, *Secretary.*

---

SECRETARY'S OFFICE, *Providence, November* 7, 1842.

I certify the foregoing constitution and resolutions of the convention and acts of the General Assembly, to be true copies of the records in my office.

Witness,

HENRY BOWEN, *Secretary.*

---

*Organization under the constitution of* 1842.

The following account of the organization of the government under the *constitution of* 1842, and the dissolution of the government under the *charter*, is taken from the appendix to the address delivered by William G. Goddard, esq., in presence of the General Assembly, May 3, 1843, in commemoration thereof:

"The General Assembly, under the charter, convened at the State-house in Newport on Monday, May 1, 1843, agreeably to a vote of adjournment passed at the session in January. A quorum of both Houses being present, the session was opened at 3 o'clock, p. m., by prayer by the Rev. Francis Vinton, rector of Trinity church, Newport. The two Houses, in grand committee, then adopted the following resolution:

"*Resolved*, That Messrs. Lawton, Fenner, Potter, Harris, and Bosworth, of the Senate, and Messrs. Cranston, Branch, Updike, Remington, and Hall, of the House, be a committee to be present at and witness the organization of the government under the constitution adopted by the people of this State in November last; and that said committee make report to this General Assembly as soon as said organization shall be completed, in conformity to the provisions of said constitution, in order that this General Assembly may know when its functions shall have constitutionally passed into the hands of those who have been legally chosen by the people to receive and exercise the same."

The grand committee then adjourned till 5 o'clock the next day, Tuesday, May 2, 1843.

The General Assembly, under the constitution adopted by the people in November, A. D. 1842, convened at the State house in Newport on the first Tuesday of May, 1843, agreeably to the provisions of that instrument, at 11 o'clock, a. m.

The members of the new Senate and House assembled in separate chambers, for the purpose of organizing the government. His excellency Samuel Ward King, the last Governor under the charter of 1663, presided in the organization of the new Senate; and the senior member from the town of Newport, (the Hon. Henry Y. Cranston,) and the clerks of the old House, acted as officers of the new House until it was organized.

In the Senate thirty one Senators (the whole number) were found to be present. After receiving their certificates of election, the Secretary of State (the Hon. Henry Bowen) administered the oath prescribed by the constitution.

In the House, after the observance of the customary formalities, the Secretary of State administered the oath to the members, a large majority of whom were found to be present. Hon. Alfred Bosworth was then elected Speaker for the year ensuing, and Thomas A. Jenckes and Joseph S. Pitman clerks for the year ensuing.

His excellency the Governor and the honorable Senate then joined the House in grand committee, for the purpose of receiving the votes for general officers, and of appointing a committee to count the same.

The session of the General Assembly was then opened by prayer by the Rev. Francis Vinton.

After receiving the ballots from the Secretary of State, the grand committee appointed a committee to count them, consisting of one Senator and three Representatives from each county. To this committee were then added the Secretary of State and the clerks of the House.

The grand committee then adjourned till 5 o'clock in the afternoon of the same day.

The grand committee met at 5 o'clock: his excellency Governor King in the chair.

The committee appointed to count the votes for general officers, made report as follows:

| | | | |
|---|---|---|---|
| Whole number of votes for Governor - - - - | | | 16,520 |
| For James Fenner - - - - | 9,107 | | |
| Thomas F. Carpenter - - - | 7,392 | | |
| Scattering - - - - | 21 | | |
| Majority for Fenner - - | | 1,694 | |
| Whole number of votes for Lieutenant Governor, - - | | | 16,612 |
| For Byron Diman - - - - | 9,212 | | |
| Benjamin B. Thurston - - - | 7,398 | | |
| Scattering - - - - | 2 | | |
| Majority for Diman - - | | 1,812 | |
| Whole number of votes for Secretary of State - - - | | | 16,594 |
| For Henry Bowen - - - - | 9,212 | | |
| Dexter Randall - - - - | 7,378 | | |
| Scattering - - - - | 4 | | |
| Majority for Bowen - - | | 1,830 | |
| Whole number of votes for Attorney General - - - | | | 16,591 |
| For Joseph M. Blake - - - - | 9,217 | | |
| Samuel Y. Atwell - - - | 7,372 | | |
| Scattering - - - - | 2 | | |
| Majority for Blake - - | | 1,843 | |
| Whole number of votes for General Treasurer - - - | | | 16,598 |
| For Stephen Cahoone - - - | 9,215 | | |
| Josiah S. Munro - - - - | 7,383 | | |
| Majority for Cahoone - - | | 1,832 | |

"The foregoing report being read and accepted, it was thereupon *Resolved*, That the said James Fenner be declared elected Governor; Byron Diman, Lieutenant Governor; Henry Bowen, Secretary of State; Joseph M. Blake, Attorney General; and Stephen Cahoone, General Treasurer,

who were severally engaged according to the provisions of the constitution." Governor King, who, during the ceremony, was seated in the identical oaken chair in which, one hundred and eighty years ago, Governor Arnold received the charter, immediately resigned his seat to his successor; while the Speaker of the House called out as usual, "Sheriff, clear the way; sergeant, make proclamation that his excellency James Fenner is elected Governor, Captain General, and Commander-in-chief of the State of Rhode Island and Providence Plantations for the year ensuing." The crowd gave way, and the town sergeant of the town of Newport made the customary proclamation of the election of Governor to the people, from the balcony of the State-house. After proclaiming the other general officers, in a similar manner, the sergeant added, according to the pious formality observed by our ancestors: "God save the State of Rhode Island and Providence Plantations." The roar of artillery and the shouts of the people followed the proclamation made by the sergeant.

The two Houses then separated.

The following joint resolution passed both Houses on the same day:

"*Resolved by this General Assembly*, That Messrs. Cranston and Chace, of Newport; Ames and Branch, of Providence; Hazard and Barber, of Washington; Whipple and Brayton, of Kent; Hall and Cole, of Bristol; with the Senators from Providence, Little Compton, Westerly, Warwick, and Warren,—be a committee to wait upon the General Assembly, under the charter here legally convened, and announce to said General Assembly, in grand committee assembled, that the government under the charter is duly organized."

The House then adjourned till 10 o'clock, a. m., the next day; and the Senate till 3 o'clock, p. m., the next day.

—

After the adjournment (on Tuesday) of the General Assembly under the constitution, the General Assembly under the charter convened in grand committee, Governor King in the chair.

The committee appointed by the General Assembly under the constitution, appeared, and made report through their chairman, the Senator from Providence, that the government under the new constitution was legally organized.

The committee appointed by the grand committee on Monday, to witness the organization of the new government, made the following report:

*To the honorable General Assembly of the State of Rhode Island, &c., now assembled at Newport, under the charter of this State.*

The subscribers, appointed by this honorable body a committee to be present at the organization of the new General Assembly under the constitution recently adopted by the people of this State, respectfully report: That they have attended to the duty assigned to them; that the Senate and House of Representatives, under the constitution, have been duly organized, according to the provisions of said constitution, and the act passed at the last January session of the General Assembly, regulating their organiza-

tion; and that, therefore, according to the provisions of said constitution, the power of the government, as organized under the charter, has ceased.

EDWARD W. LAWTON,
ELISHA HARRIS,
ELISHA R. POTTER,
HEZEKIAH BOSWORTH,
HENRY Y. CRANSTON,
WILKINS UPDIKE,
BENJAMIN HALL,
BENJAMIN F. REMINGTON,
STEPHEN BRANCH.

NEWPORT, *Tuesday*, *May* 2, 1843.

—

Whereupon, the following resolution was adopted:

IN GENERAL ASSEMBLY,
*Tuesday*, *May* 2*d*, 1843.

*Resolved*, That the foregoing report be accepted, and that this General Assembly be, and the same is hereby, declared to be dissolved.

With the passage of this resolution, the last General Assembly under the old charter ceased to exist.

—

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
*Secretary's Office*, *March* 19, 1844.

I certify that the papers contained in the printed sheets annexed, purporting to be copies or abstracts from the colonial or State records of Rhode Island, are true copies and abstracts of the same, duly examined.

Witness: HENRY BOWEN, *Secretary*.

LBFe 14

LIBRARY OF CONGRESS
0 014 111 338 0